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ABSTRACT

Though the authors in these 13 papers differed in their attitudes toward the concept of an Ombudsman on campus, a majority seemed to agree with the following assumptions: 1) various levels of administration and bureaucracy are capable of abusing the citizenry of the university community; 2) the Ombudsman is a "third party agency" and is not the advocate of any special group; 3) his position is acquired and maintained in a manner that assures him of administrative perspective and freedom from political and administrative pressure; 4) he concerns himself with individuals and specific cases, but ultimately must become a "change catalyst" for the betterment of the university community; 5) he is a paramount tool of power, having full administrative authority to investigate and publish his findings and recommendations; and 6) he does not try to short-circuit valid existing compensation or grievance procedures. Several of the authors are Ombudsmen themselves and they discuss their campus experiences. (AF)

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THE OMBUDSMAN IN HIGHER EDUCATION:  
ADVOCATE OR SUBVERSIVE BUREAUCRAT

Paper from a Conference, May 4-6, 1969  
Burlingame, California

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE  
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## THE OMBUDSMAN IN HIGHER EDUCATION

In recent years, many American students of government have begun to explore the essentially Scandinavian concept of the Ombudsman as an institution of potential value in this nation. The work of the American Assembly and of such scholars as Walter Gellhorn and Stanley Anderson has been seminal.

Higher education in the United States, as is true of most of our social institutions, is now in a period of great stress. Demands for change of a rapid order are coming from within and without the educational enterprise, and these demands come from all points on a socio-political spectrum. Thus it is not surprising that the concept of the Ombudsman is being adapted to some colleges and universities; our experience with this conference suggests that many campuses are exploring the creation of an Ombudsman role.

The conference on The Ombudsman in Higher Education was jointly sponsored by Higher Education Executive Associates of Detroit, The Ombudsman Foundation of Los Angeles, and The Institute for Local Government and Public Service of Chico State College. HEEA held an earlier conference in 1968 in Detroit, and some of the papers included in this collection are from that conference. The conference was attended by a number of Ombudsmen, as well as by individuals from several colleges and universities contemplating or planning for such an office in the immediate future. Participants in the direction of the conference included Dr. Thomas A. Emmett, President of Higher Education Executive Associates; Dr. Edmond C. Hallberg of the California State College at Los Angeles, Dr. M. Milc Milfs of the California State College at Dominguez Hills, Dr. William Thomas of the University of California at Los Angeles, the originators of the Ombudsman Foundation.

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July 14, 1969

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## Comments Regarding the Ombudsman Conference

Sherman A. Beck  
University of Montana  
May 15, 1969

The conference in question was a sequel to the Higher Education Executive Associates and the University of Detroit's first national institute on "The Ombudsman Concept in Higher Education."

The San Francisco conference attempted to build on the content material which was presented at the Detroit conference. The participants had either attended or had read the proceedings of the first conference, and a sense of continuity was evident.

In my opinion, the outstanding presentation was given by Dr. Randy H. Hamilton.<sup>1</sup> His paper on "the Ombudsman in Perspective" was excellent. He gave a cursory look at the historical development on the Ombudsman concept and the essential identifying characteristics of the function.

Many in attendance felt that his classical approach was too restrictive for use in higher education. I feel that only by such specifics can the concept be developed and some meaningful administrative theory originated. Without theory it seems to me that it is difficult, if not impossible, to collect facts which bear a relationship to one another; furthermore, you need theory as a guide for obtaining new knowledge and in producing fruitful hypothesis.

Dr. Hamilton projects that by a year from this fall there will be over 150 Ombudsman in operation in American Higher Education. This projection is based upon the growth over the past two years, from five to twenty-five; however, few of these 150 plus Ombudsman will be functioning in the total framework of a true Ombudsman.

Throughout the conference there were under-currents of "Ombudsman manic." I felt that many of the participants were there wanting to "capture" the Ombudsman position for their particular public. They were looking for an advocate for their special interest group, i.e. faculty, students, evening school students, administration, etc. This "lobbyist" function for one group is the direct antithesis of a true Ombudsman. Imprudence was most evident in those participants who were "running scared" and looking for a panacea or "anything else" which would help in the survival of their institutions of higher education.

These attitudes mentioned above are what I call "Ombudsman manic" and usually results in the bastardization of the Ombudsman concept and creates misunderstanding.

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<sup>1</sup> Dr. Randy H. Hamilton, Executive Director, Institute for Local Self Government; Special Project Director, League of California Cities; Special Lectures on Public Administration and Local Government, University of California, Berkeley, California.

The Ombudsman is not superman or Jesus Christ. I don't think that an Ombudsman would be of any special help in a crisis, but he would help a functioning institution's bureaucracy function more smoothly and would help the university community avoid some crises.

In my way of thinking the Ombudsman concept is based on certain assumptions which I felt were shared by a bare majority of the participants at the San Francisco conference. Those assumptions are: (1) various levels of administration and bureaucracy are capable of abusing the citizenry<sup>2</sup> of the university community; (2) the Ombudsman is a "third party agent" and is not the advocate of any special group. His total commitment is to justice and truth; (3) the Ombudsman position is acquired and maintained in such a manner as to assure him of administrative perspective and freedom from political and administrative pressure; (4) the Ombudsman concerns himself with individuals and specific cases; however, he ultimately generalizes these specific cases along with additional evidence and becomes a "change catalyst" for the betterment of the university community; (5) truth is the Ombudsman paramount tool and power. He listens and has full administrative power to investigate. He publishes his findings and his recommendations; and (6) he does not try to short-circuit valid existing compensation or grievance procedures.

There are some vital areas where research, experience and model building must take place if the Ombudsman concept is going to be successful in higher education. A workable scheme for selection and tenure is essential and both these factors are delicate items.

I came away from the conference concerned that too many individuals look upon the Ombudsman as an expedient device. Some even used the term "gimmick" and speculated as to how long the students or faculty, etc. might be fooled.

Ultimate justice obviously cannot be achieved on earth; nevertheless, it is the role of the Ombudsman to serve as an embodiment of the university community's conscience. The full elimination of conflict is not possible or desirable, but we must find the means to contain conflict at levels which are tolerable. If the Ombudsman is successful, conflict within the university community would usually be contained or changed and in both cases ultimately make a positive contribution to the individual and to the institution/community.

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<sup>2</sup> The citizenry of the "university community" is made up of the following groups: faculty, students, non-academic staff, administration, and the larger community which provides either support or services to the university.

OMBUDSMAN: NEW TROUBLESHOOTER ON THE CAMPUS

by  
Claudia Buccieri, Assistant Editor  
March 1968  
College & University Business

Higher education gained a new dimension through imitation as three institutions adopted the 150 year old concept of ombudsman. Originating with the formation of Sweden's constitutional monarchy in 1809, the office of Justitie-ombudsman (citizens' protector) is now an effective position in five countries: Sweden, Norway, Denmark, Finland and New Zealand. However, it was not until 1967 that five faculty members emerged as the first and only American ombudsmen to date in higher education. Surprisingly, the ombudsmen (with the exception of the three colleagues at Stony Brook) are not in communication with one another and, in some instances, are not aware of the existence of other ombudsmen.

The State University of New York (SUNY) at Stony Brook was the catalyst. John S. Toll, President of the University, appointed three regular faculty members last April to act as "independent agents to investigate student and faculty complaints" (Homer Goldberg, Professor of English; Theodore Goldfarb, Professor of Chemistry; and Robert Weinberg, Professor of Physics). Michigan State University at East Lansing followed in September with the appointment of James D. Rust ("conscience of the campus"), an M.S.U. Professor of English for 20 years and former assistant dean of the college of arts and letters, to the post of ombudsman. The following month Robert D. Clark, President of San Jose State College in California, selected as ombudsman the campus Methodist minister, Rev. J. Benton White ("...a kind of door in a stone wall...").

In addition to the five known ombudsmen, a trend toward more academic ombudsmen is apparent: The academic senate of the University of California at Berkeley authorized the appointment of an ombudsman, although so far, no one has been appointed; Wayne State University of Detroit and Valparaiso University of Indiana are considering proposals for a campus ombudsman.

The emergence of the five ombudsmen and the probability of more is an attempt to answer the overt and sometimes violent expressions of protest by both student and faculty groups. In the midst of racial strife, in loco parentis rebellion, disorientation and expansion, there is need for a sympathetic listener with powers of referral and expansion. Each of the five ombudsmen was appointed in response to this need but as a result of different problem situations.

At the rapidly developing university at Stony Brook (present enrollment of 5,000 expected to expand to 17,000 by 1975), three ombudsmen were appointed to investigate primarily the problems caused by the \$50 million expansion of the campus (called "mad with purpose" by the students). Ranging from complaints of construction workers harassing coeds and intolerable machine noises to concern over the need for an active Safety Director on campus, the problems were a sore point among students and faculty.

San Jose's President Clark created the position of ombudsman in response to a deeply rooted minority crisis on campus (climaxing by an open revolt by Negro students last September). The role has already transcended the reason for its inception. "We have long perceived the need for a staff member to function in a wider scope--namely, to devote full-time attention to the growing frustrations and misunderstandings

being created daily by the red tape and impersonality of bureaucratic rules and regulations," says President Clark.

The role of ombudsman at Michigan State was also designed to combat the frustrations of the multiversity (M.S.U.'s enrollment is 41,782).

The most significant problem facing an institution once the need for an ombudsman is recognized and the position approved is how to most effectively select the individual. All three institutions chose a form of administrative appointment; only Michigan State incorporated student opinion in its process of selection. Before the three Presidents implemented their selection process, it was necessary to formulate a set of criteria for prospective ombudsmen.

Commonly adopted criteria include: senior faculty members with tenure, respect of university community, absolute integrity and fairness (a pair of wings and a halo were suggested as being useful by a Berkeley academic senate spokesman), personal independence, familiarity with university policies and procedures, and courage in the face of conflicting pressures.

Unique criteria at San Jose State College are: ability to work successfully with various minority groups and a strong sympathetic interest in civil rights movements.

Michigan State's Provost Howard Neville specifies that the ombudsman should be "someone with an institutional commitment rather than a discipline commitment...the commitment had to be oriented toward the student"; someone with a willingness to listen and the ability to discriminate between the sincere complainer and the person utilizing the ombudsman for personal gain, and someone who "would be willing to back up his conviction with some kind of action."

Exerting more control than the administrators of Michigan State and San Jose, SUNY's President Toll appointed the ombudsmen (after receiving a suggestion to this effect at a faculty meeting) and structured the office. President Toll was so impressed with the value of a single ombudsman that he decided to appoint three--each from a different discipline. During the 1966-67 academic year, he names Dr. Goldberg and Dr. Goldfarb as general ombudsmen for the University (to investigate problems in the general functioning of the University), and Dr. Weinberg as ombudsman for the residential colleges (to deal mainly with student complaints). The ombudsmen have their own office and share a secretary; all correspondence to the three men goes through the university's office of public relations, where queries to the ombudsmen are answered, if possible.

Despite some faculty criticism that the departmentalized ombudsmen would be less effective than a single ombudsman, President Toll responds that he does not wish to overburden a single faculty member (SUNY ombudsmen divide their time between teaching and investigating complaints).

The need for three men, the structured communications network, and the division of responsibility is consistent with the job these men are expected to do: "...to serve as independent agents..and investigate any complaint where the regular channels ...did not respond adequately."

Reflecting on his selection system, President Toll says he tried to select the type of men that would have been chosen by a faculty election procedure; the main reason for executive appointment rather than election was expediency. "In future years an election procedure will probably be established," he says.

Although not an actual election, Michigan State University's appointment process (under the auspices of the provost and three student government representatives) utilized recommendations from three groups: deans of the various divisions, the academic council (an elective group made up of senior faculty), and the students. This action took place after a year-long study--the culmination of which was a report titled, "Academic Freedom for Students at Michigan State University"; the report called for the appointment of an ombudsman.

The recommendations received from the three groups comprised a list of approximately 65 faculty names. The selection committee studies the list for several weeks, after careful analysis, the committee put the names into three categories: "recommended," "acceptable," and "Not acceptable." (Placement in either of the first two categories necessitated a unanimous vote; the Provost or any one of the three students could place a name in the third category.) After further evaluation, a recommendation and alternative choices were presented to President John A. Hannah, who in turn made his recommendation to the Board of Trustees.

San Jose blended aspects of the two preceding processes with the October appointment of Rev. J. Benton White. President Robert D. Clark selected Reverend White, but only after a recommendation from the executive committee (teaching faculty officers of the academic council).

Members of the committee were well acquainted with Reverend White through his six years of service as off-campus chaplain. The chaplain-ombudsman was actively recruited by the committee, rather than merely appointed by the President.

After four months in his full-time role as ombudsman, the white Southern Protestant minister has performed his new duties so religiously that some students have called him "aggressive." Born and raised in Gadsden, Ala., the Reverend White has buried the paradox of his appointment with his determination to break down discrimination.

The transition from the sanctity of a chapel to the threshold of racial disturbances may have seemed disconcerting to some observers, but not to the man most vulnerable, Reverend White. In fact, he comments that his experiences as a chaplain prepared him for his new mission. "It is important to understand the problems of those we ask to change..."

Agreeing with Reverend White, Michigan State's ombudsman, James Rust, adds that an ombudsman should be compassionate but not sentimental. A Victorian scholar who feels equally comfortable in the diverse world of Charles Dickens and modern day M.S.U., Dr. Rust has great faith in his students. "They may be--in fact often are--in error, but they tell the truth as they see it," he says.

What powers can an ombudsman wield in order to accomplish his goals? The most significant powers (granted to all five ombudsmen) appear to be inquiry, negotiation and persuasion. Rather than make policy, the ombudsman investigates and interprets existing policy.

Ombudsman Rust has "broad investigatory powers," and because of excellent cooperation from everyone he has approached, he has not had to test the full powers of his office. He has complete access to official records (except those involving professional confidence), and all university officials, including President Hannah, are easily accessible when needed, he reports.

As far as the area of university operations that an ombudsman is free to investigate at SUNY, President Toll says, "No area was barred from their consideration" (except considerations of faculty appointments and promotions). Primary areas of activity open to Reverend White are: on and off-campus housing; fraternities and sororities, curricular and co-curricular programs, and any other college activities. (He is free to discuss complaints with members of the academic staff as well.)

When inquiry, negotiation and persuasion fail, however, the ombudsman's only recourse is appeal to the President for executive action.

Even with the less than omnipotent powers granted to the ombudsmen, definite accomplishments have been made. Outgrowing their original area of concern, SUNY ombudsmen reviewed complaints about the library's circulation--resulting in improvements in clerical and searching procedures; improved parking conditions, and dealt with complaints regarding food, student paycheck delays, unsightly refuse accumulation, power failure, and the need for better faculty communications.

M.S.U.'s Dr. Rust has assisted in the readmission of students (by referring their records to the appropriate deans); clarification of registration policies, and guiding students in scholarship, loan and tuition fee problems.

Ombudsman White has given San Jose's minority group community, perhaps for the first time, the feeling that administrators feel their problems deserve special and immediate attention.

Commenting on his success in seeking out and removing discrimination, Reverend White is modest in his evaluation. "I would believe that only as a job such as this functions actively over a period of time could it expect to gain any deep sense of trust from those for whom it was created to serve." If the opinion of Ken Nocl, chairman of the United Black Students for Action (group that forced the cancellation of a September football game with threats of disruption), is any indication, Rev. J.B. White has already replaced some hate with trust: "guys like Ben White come along and shoot stereotypes down--he has seen some things that even we did not see ourselves."

Unfortunately, however, the ombudsman "cannot be all things to all people." Suspicions still lurk on the San Jose campus (is this sudden interest in our welfare sincere?). Ombudsmen can not help out-of-state students establish instate residence, alter tuition fees to fit student's need, break residence hall contracts, or break a students' apartment lease. And M.S.U.'s Provost Neville fears that the nature of the role could eventually alienate an ombudsman from his colleagues. "He may drift out of the mainstream of programs of the department and college....because he is not doing the same things as his colleagues." There is also the fear that one ombudsman, or three ombudsmen, is not enough to do the job.

How many ombudsmen are needed and where they are needed is dependent upon the individual circumstances of the college or university. But the office of ombudsman is particularly helpful at a growing university that can afford it--monetarily and in terms of the sensitive issues the role might raise--ought to consider appointing an ombudsman.

The value of the five ombudsmen is firmly entrenched on the respective campuses: "don't know how we got along without him"; "number of potentially disruptive crises have been resolved"; "success of program due to diligence and talent of men holding the office," are but a few of the encomiums. All three institutions hope to expand their ombudsman-like agency to which the administration can take specific problems. The hope of expansion is a positive indication that the experiment of 1967 was not only successful, but valuable to the extent of establishing a precedent for other institutions of higher education.

THE OMBUDSMAN IN GOVERNMENT:  
IMPLICATIONS FOR HIGHER EDUCATION

by Judson Clark\*

At the outset let me go on record as saying that I approach the question of adapting the Ombudsman institution to higher education with misgivings. Perhaps this is because the prospect of discussing any aspect of higher education in the wake of recent events on campuses across the country is so perplexing; perhaps it is because actual experience with the adaptability of the 150-year-old Scandinavian institution into our own governmental structure is so limited; or perhaps after four years of discussing the desirability of an office of Ombudsman for California state government I've just grown weary.

But weary or not, there is an inevitable dilemma that confronts all Ombudsman advocates which can never be satisfactorily put aside -- even if it is clearly recognized. The dilemma is best recognized in my friend Stan Anderson's observation that "among the Ombudsman's worst enemies are his best friends: those who expect too much of him." The point simply stated is that the Ombudsman is designed to serve as an impartial and independent review of citizen complaints against administrative decisions and not as a substitute for basic reform.

The dilemma is that documentation of the need for such independent review inevitably focuses on the areas of government where the need for basic reform is most evident, such as the welfare system or job development, employment and training programs. Even discussing the Ombudsman in this context raises the suspicion that too much is expected of one office. If the choice is between reform of the welfare system, for example, or creation of an Ombudsman's office, there is little question as to the proper allocation of priorities.

Proponents of the Ombudsman proposal are thus expected to make a substantial case for its necessity, and if they are too successful in demonstrating the existence of an unresponsive bureaucracy, they are faced with a critic who accuses them of "trying to put a penny in the fuse box when a circuit has blown."

And nowhere has a circuit more clearly and emphatically "blown" than in higher education. The distance between Berkeley's Sproul Plaza and Cornell's Willard Straight Hall has been spanned all too easily. And in the jargon of the day the turmoil has prompted only minimal "meaningful" or "relevant" response.

Let us quickly dispel any notion that an Ombudsman for higher education is such a response. The challenges facing our campuses are so great and the expectations from an office to handle individual complaints are so meager by comparison. But, if we remember that the Ombudsman is not a substitute for academic reform, for better administration or any of the other urgent needs of our colleges and universities then it might be possible to find a proper place for him on campus.

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\*Address given at the conference on the Ombudsman in Higher Education, May 5, 1969, San Francisco Airport Hyatt House Hotel.

In California, proponents of the creation of the office for state government had the active and enthusiastic support of the former Speaker of the Assembly Jess Unruh as author of the legislation, the almost full-time assistance of one of the nation's recognized experts, Dr. Stanley V. Anderson of the University of California, along with help from many others such as Randy Hamilton who addressed you last night and my fellow panelist today, Ake Sandler -- and despite this considerable effort we failed to dent the determined opposition of a number of state senators who remain unconvinced of the necessity for such an office. I gather that it was not on the basis of this overwhelming success that I was asked to draw upon our experience in government to chart the way for an Ombudsman in higher education.

The focus of our argument before the California Legislature was two-fold; 1) that a case could be made that existing procedures were not adequate and that an Ombudsman could function effectively whether or not basic changes were made in the governmental structure to dispense services more efficiently and even-handedly, 2) and, in any event, an Ombudsman should be considered as part of any basic reform proposal.

What is the test of adequacy that we sought in state government? What criteria are available to formulate an acceptable and agreed-upon basis for determining whether existing complaint-handling devices measure up to a test of adequacy? Initially, we must look to the foundation underlying the relations between the citizen and his government. As Speaker Unruh has said: "We have enumerated social objectives and invested in governmental machinery the responsibility for fulfilling those objectives -- to educate our youth, to heal the sick, to care for the aged, to rehabilitate the crippled, and to treat the mentally ill. We have enlisted the aid of government in an ongoing commitment to the effort to eradicate poverty, to the renewal of the cities, to the requirement that we do justice to American minorities, and to the promotion of economic growth. We have done these things in the apparent belief that government can do for the citizen what he cannot do so well for himself. Consistent with our democratic tradition, we expect these services to be dispensed in a manner that will insure equal treatment of all citizens by those agencies which we have created to serve them." And so the test of adequacy that we seek to impose is whether we have provided procedures which insure evenhanded and impartial treatment can be attained.

There is little need to recount the growth in size and complexity of the administrative structures which have been established to administer expansive governmental programs for a rapidly expanding population. No one expects administrators of these programs to be infallible and considerable evidence is available to demonstrate that they are not -- examples run the gamut of human error, from simple failure to respond to a letter to decisions or omissions which greatly affect the lives of individuals. (Cite example of transfer of child from state hospital to approved private facility)

Acceptance, at least as a theoretical objective, of the goal of providing impartial and evenhanded treatment of citizens by administrative agencies has not been challenged. Documenting the existence of conditions falling short of that objective is not difficult. In addition to specific so-called "horror" stories, the very fact that perhaps 80 to 90 per cent of the impact of administrative discretionary action takes place in the absence of the safeguards of hearing procedures and in most cases with no formal right of appeal should offer sufficient justification for some form of independent review. When a decision arises, an administrator's choice is usually beyond

legal review, unless the result is so arbitrary as to constitute a clear abuse of discretion. Sometimes the greatest discretionary power is exercised when an administrative official simply decides to do nothing. How many grievances occur in areas where there is no legal remedy, or where the available remedy is too costly, the scope too limited, or the time for appeal expired? How often is the citizen unaware that he has legal recourse? Systematic documentation will come only with actual experience with the office.

Perhaps the most important services performed by the Ombudsman are not subject to any documentation. What measure can there be, for instance, of the value to a mother of a child confined to a mental institution who finds that there is someone easily accessible who will determine whether her child is being fairly treated, who will interpret administrative decisions from her standpoint? And what value can be placed on the existence of the office in its impact on governmental employees who know that their decisions are subject to complete review by an office that has unlimited access to all official records.

In recounting the rationale for an Ombudsman in government, I have not attempted to relate the proposal to higher education partly because to the extent that parallels exist they are quite obvious, and also because I have been away from the campus for too long and so much has happened there.

In setting up an office of campus Ombudsman, however, there are several points which appear to me to be critical in adapting the institution from government to the university:

1. The question of whether the university community feels the need for an office should be a matter for the determination of students, faculty and administration on each campus. In government we are handicapped to the extent that we must actually establish the office to really determine whether there is a sufficient need to justify it. On the campus the proposal can be subjected to far greater popular debate and the office ought to arise from demand for it rather than be created by administrative action.

2. The university Ombudsman should be an independent, impartial critic. Just as the creation of the office must be the product of the entire university community, the selection of the candidate to fill the office must insure that the choice represents a community consensus. The person selected must be widely known and universally respected. Ideally, he should be a person the students, faculty and administration would have selected if they had chosen him independently. Incidentally, he should also have tenure.

3. The Ombudsman should be one of the highest paid positions on the faculty and he should have complete access to any officer or employee from the president down. He should have complete access to all official records of the university.

4. The Ombudsman should establish an open communication line to the campus so that the activities of his office will be widely known. It is important that he serve the entire campus in dealing with individual complaints.

5. The door to the Ombudsman's office should always be open so that he is easily accessible to students. He should not be burdened by administrative or teaching duties.

6. The Ombudsman should be able to anticipate problems and undertake review on his own initiative. He should seek to stimulate new methods and procedures, but he should be mindful that his principal duty is to service individual complaints and not to basic academic or administrative reform which might divert him from his real purpose.

All of these points seem to me to be imperative, although each campus must set its own guidelines. But it is a matter of great importance that those of us who are participating in this conference remain mindful of the fact that the Ombudsman is no match for the current educational crisis. Shortly before the Free Speech controversy rocked the Berkeley campus, Clark Kerr forecast some of the problems ahead for the multiversity as it became further involved in the life of society and prophetically observed: "...The really new problems of today and tomorrow lend themselves less to solutions by external authority; they may be inherently problems for internal resolution. The university may now again need to find out whether it has a brain as well as a body." An Ombudsman, properly constituted, can reflect a step in that direction. If too much is expected, he can be another part of the problem -- a useless appendage.

## SECOND THOUGHTS ON THE OMBUDSMAN IN HIGHER EDUCATION

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Paper Prepared for presentation at  
University of Detroit Conference on Ombudsman in American Higher Education  
Detroit, Michigan, October 25, 1968

Perhaps it is because I am weary of "educational gimmickry"; perhaps it is because I am "up tight" about losing my job to the competition; perhaps this is just one conference too many. Whatever the reason, it is probably in order for me to go on the record at the outset of these comments as unimpressed with the potential or promise of an ombudsman on the higher education scene.

To be more specific my biases are such that in my view appointment of an ombudsman by an university administration seems analogous to putting a penny in the fuse box when a circuit has blown. Said another way, a decision to go the ombudsman route is a fine advertisement for the failure of an administration in general or a student personnel program in particular to meet responsibilities for equity and communication in an academic community.

Let me turn then to a consideration of my general reaction to the idea of an ombudsman in higher education. Donald C. Rowatt in his "The Ombudsman" describes the office in the governmental setting as a "device for controlling bureaucracy." Much of that text, which is probably something of handbook for the practitioner, outlines the ombudsman models that either have been introduced or are proposed for adoption in a variety of countries seeking democracy as a style of political life. Thematically there are explicit or implicit assumptions that these bureaucratic governmental organizations have no prospect of generation, on their own, provisions for the protection of citizens. This reference and other materials lead me to the conclusion that those who view the ombudsman in higher education in a favorable light perceive:

- 1) That by their nature and because of their increasing size and complexity, institutions of higher education in America must, of necessity, become increasingly bureaucratized, increasingly impersonal and increasingly, there, the victim of all the ills symptomatic of governmental bureaucracy.
- 2) That there is no possibility, by effecting change in existing organizational patterns of providing the personnel and processes properly committed to equity and communication--and of course that those processes and commitments do not now exist, and
- 3) That those who are charged now with the responsibility for providing such checks on the misuse of power and authority are unlikely to promote regular evaluation of the results of their efforts and the need for improvement.

Let me agree that the record does tend to document the problem in these terms and to support such assumptions. We have moved rapidly in higher education, especially over the past five years, to "buy" the organizational patterns of government and big business. The institution today that does not have at least four or five

vice-presidents and a bevy of assistant vice-presidents is really not "with it." Officers frequently have proliferated almost as rapidly as courses on many college campuses and the "faceless" dean or the president who "really doesn't exist" has entered the parlance of students. On the forge of efficiency, economy and just plain bigness we have fashioned something called an identity crisis for our students.

It is clear also that many colleges and universities have not invested energies in devising means to protect students, faculty and administrators--all members of the academic community--from the abuse or misuse of power and authority. The 1940 AAUP provisions for the faculty and the more recent "Joint Statement on the Rights and Freedoms of Students" were at least in part necessary because of such inattention to essential protections.

Further, because it is a tedious task if properly done and a burden added to regular responsibility, it is unlikely that the student personnel staff at a college or the administration in general will engage periodically in effective assessment of their success, or lack of it, in communication or in providing processes clearly visible to the individual for the redress of any grievance.

Such confirmation of the problem, however, does not lead me to leap, with many in this room, to the ombudsman as an answer. In fact, as a permanent post on the campus it may simply add another stop for students seeking speedy resolution of a problem. Where the necessary procedures are both available and visible the best that can be said of the role of the ombudsman is that he serves as a "traffic cop," routing a student to the office responsible for dealing with his problem. And as one student has commented, "who needs another information booth on campus." Appointment of an ombudsman could serve to convince members of an academic community that no real remedy will be sought for problems that have been identified. It can also encourage those who have ombudsman responsibilities throughout the institution that they need to give less attention to that function since it has been assigned to a special staff member. The ombudsman, to me therefore, smacks too much of the "gimmick," too much of the simplistic response to a complex problem, and too little of a willingness to confront the challenge of the real problem and its causes.

What we need instead of an ombudsman, is a rejection of the organizational pattern of business and government that takes us down the road to galloping bureaucracy. We need to reassess the uniqueness of the academic community and its mission. We need to create, not a new office, but a new model of organization. In a word, it seems to me that we have already borrowed too much and adapted to too poor a fit from government and business.

What we need is a student personnel staff and a college administration willing to recognize the message of the "Joint Statement" that protection against the abuse and misuse of authority and power is especially crucial in an academic community and demands, therefore, first priority. We need, in other words, a dean of students with the courage, conviction and commitment to be the ombudsman and more for students on his campus.

And, further, we need to be alert to the processes which are not functioning and to provide for regular review by the responsible staff members and the students they serve of whether there is need for improvement. The visit of an accrediting team is not the timing, the type or the style of evaluation that makes sense in this context. A hard-nosed, shirtsleeved exercise on an annual basis is what is in order.

My plea here can be simply stated. Let's treat the cause of our problem, not just the symptom. It will take more work, probably will be fraught with the risk of failure, and is likely to much less fashionable. If we can tackle the task creatively and courageously, however, the resulting up-grading of the quality of our like together will be well worth it. And we might even establish some models that government and business could adopt or adapt.

Does all of this suggest that in taking a second look at the ombudsman concept I drew a complete blank? Quite the contrary is the case. Let me suggest now three types of situations that would lead me to consider as at least one alternative the appointment of a staff member having the ombudsman's function.

Case number one involves a college or university opening its doors for the first time. It seems to me that during the first student generation, on a temporary basis, there might be some value to the appointment of a staff member visible to the entire academic community as having the functions of an ombudsman. Such an appointment would publicly commit the institution to the development of a pattern of organization that would guarantee effective communication and clearly visible opportunities to redress. This, in fact, would be the major or planning phase of the "ombudsman's" responsibilities. His "fire-fighting" would be directed to identifying issues as valuable in-put for program development. Once the appropriate provisions had been built, including a pattern of periodic evaluation, the "ombudsman" as a special function should no longer be needed.

Case number two involves an institution in crisis. In some respects the Cox commission at Columbia is the extreme example. Institutions here at this meeting have initiated an ombudsman under similar if less traumatic conditions. The value here of an objective "outside-the-system" investigation is hardly disputable. Where the problem, as it did at Columbia, suggests some severe changes in the pattern of organization and the processes for review and redress of grievances, the "ombudsman" might continue to serve for several months or perhaps a year or two. However, the service would not be in terms of fire fighting, but implementation of the crisis created reform program.

Case number three involves the evaluation dimension of the previous comments. For some time now, I have been attempting to identify a viable model for justifying a sabbatical leave program for student personnel administrators. The "hang up" has usually been dollars and the one year replacement of a staff member with significant responsibilities. It seems to me that a chief student personnel officer at one institution could serve admirably as an "ombudsman" at another institution during a sabbatical year. He could be on leave from "home" and paid by the host institution. He could serve well as an objective professional assessor of the extent to which that institution and accomplished its responsibilities to protect against the abuse or misuse of power and to redress error when committed. Here again the tenure would be temporary--and actually the visiting dean would only be doing what comes naturally since the ombudsman's functions are essentially his in any event if he is doing his job.

More than these three cases however, there is an even more particular application of the ombudsman concept that is attractive to me. For more than 15 years now I have worked on several college campuses with a variety of student governments. If there is one problem typical of all student governments it is one of developing effective communication with the remainder of the student body. It is almost certain today that without some special effort a student government cannot claim to know student opinion, cannot claim to be representing student interests. The problem is a complex one and a number of creative attempts have been made to face and solve it.

One that had limited success for about two years at Rutgers College was something called a "sounding board"--a committee of ombudsmen. This approach built in most of the principles of the ombudsman and made student government on that campus during those years a viable force in decision-making because it was a more reliable representative of student views and concerns.

What I am suggesting is that although I see no regular and permanent future for ombudsman as university staff members there may be a place for such an officer or officers as aids to a student government. Only the University of Arkansas to my knowledge has attempted such an approach to date and it may be too early to evaluate the success of that experiment. Since the winning candidate for president of student government at Arkansas ran on a single plank platform featuring only the institution of such a program, there is some indication that students at Arkansas responded well to the idea. And if a student government can become more effectively representative via its appointment of an ombudsman, students on such a campus will participate with an enhanced role in university governance.

My "second thoughts" about the ombudsman concept therefore add up to three separate propositions:

- 1) Appointment of an ombudsman as a permanent addition to a college staff is, in my judgment, attempting to treat the symptoms not the causes of very real problems that do, in fact, exist. Postponement of confrontation with those causes can convert problems of organization and problems of organizations and process into crises.
- 2) As a temporary appointment under limited types of conditions the ombudsman does have a contribution to make. His "life effectiveness" however should probably be limited to no more than a college generation and always timed to terminate with the development of effective changes within the existing organization.
- 3) Perhaps the more fruitful application of the concept is to support student government in a style designed to resolve its communication problems with the remainder of the student body.

At the beginning of these comments I suggested that perhaps I was "up tight" about losing my job to the competition. Let me point out in conclusion that, quite obviously, it is my conviction the ombudsman function as it relates to student affairs is at the core of the responsibilities of the Dean of Students and his staff. For faculty and student academic matters the function is fundamental to the academic deans role. If those responsibilities are being met there is no real need for an ombudsman; if they are not, changes should be made in organization, personnel and process or all three--not by adding another potential bureaucrat.

THE OMBUDSMAN IN PERSPECTIVE  
by  
Dr. Randy H. Hamilton  
Given at San Francisco, California  
May 4, 1969

at the  
OMBUDSMAN CONFERENCE

Whenever I get in a room of real live ombudsmen, it reminds me of a real good citizen, who got to heaven, and like some of my colleagues who have a lot of time for playing golf, his idea of "heaven" was a place to play golf forever. And so he got up there and Saint Peter said, "Well, you are here now, and as a citizen and full time ombudsman, obviously you are entitled to some relaxation. The Elysian fields are yours to play upon forever. You have a cherubim as a fore caddy and a seraphim for a tee caddy. Go ahead. And so the next day he went out to play his first round of golf on the Elysian fields. He got to the fourth hole and his caddy told him, "Now this is a very hard dog leg. It runs out there about 300 yards, and then another 100 yards, and then another 100 yards of the green, a par four hole. It's about 520 yards," he said, "but most people just kind of potch it out there. But, you see that tree. If you can drive it out there, right through the crotch of that tree, you will land about 100 yards in front of the green in 1. You've got a pretty good chance for a birdie. He couldn't even think about a drive of that magnitude. So he potched it out 180 yards and another 100 yards and made his dog leg. He lay three about 100 yards from the green and suddenly from the rear someone yelled "Fore". He looked over and here came this ball right through the crotch of the tree and landed right next to him. He turned to his caddy and said, "Who does that guy think he is, 'Jesus Christ'? The caddy looked over his shoulder and said, "that is Jesus Christ, he thinks he's Arnold Palmer."

I wonder why we ombudsmaniacs think we're combinations of Will Rogers, George Washington, and Abraham Lincoln with a touch of Moses thrown in. I think this is probably the best place to start the discussion of ombudsmen in perspective because some who seek the establishment of an Americanized version are also idealists arguing for a perfect institution for an imperfect world.

Those who assume the posture of militant advocate about the ombudsman, in my opinion, should realize that it is a difficult subject, one that deals with complexities. The ombudsman is not snake oil. At the outset, let me say that the ombudsman's major role is to overhaul the institutions while he is concerned with individual grievances. If he spends his time looking at the trees and forgets to look at the forest, he is not an ombudsman, nor will he be an ombudsman.

It is his role to look at the forest. Perhaps he can learn something about the forest by looking at the trees, but his sights must be to the forest. We have ombudsmen at the college level or at the academic community level, if I may use the expression. It is incidentally, a separate community. (If it wasn't a separate community the chief of police wouldn't be sitting at the other end of the telephone waiting for a college president to make up his mind whether or not to call the police in to it.) If that question arises, my definition of a college campus must be something other than part of a community, because I have no difficulty in calling the police into my front yard because I am a member of a community. If you set yourself up as separate from the rest of the community, you must also suffer the consequences.

We are in an era where the unending conflict between liberty and authority has intensified. The area of rights without remedies is broadening. This being so, procedures for the redress of grievances loom large and extraordinary in importance in our lives.

The problem is not one of civil rights. If you approach the ombudsman from this point of view, you are also doomed to failure.

Properly understood is a fact that most collegiate administrations are not sufficiently aware of these grievances, much less of structure, to provide simple, inexpensive, widely known process for the redress of the grievances of the citizens of your community. Under today's academic administrative conditions, much of the population of the academic community cannot obtain redress from many of its grievances, real or imagined. Thus a campus ombudsman must also be a faculty ombudsman.

I come from the public administrative world. Let me tell you what we ombuds-maniacs in the public administrative world have taken to be a pretty good definition of the reason why we feel the ombudsman in government, that is to say for governmental agencies, is necessary. In your own mind, decide for yourself whether in fact this also characterizes the academic community. I am going to quote what has been a castigation of the bureaucracy in government as it gives rise to most citizen grievances.

"An excessive sense of importance on the part of individuals or the idea of importance of their office; an indifference toward the feeling or the convenience of the individual; an obsession about the binding and inflexible authority of departmental decisions; precedents, or arrangements of forms (irrespective of how badly or with what injustice or hardship they may work) in individual cases; a mania for regulation and formal procedures; a preoccupation with the particular unit of administration and an inability to consider the institution as a whole; a failure to recognize the relationship between the governors and the governed; and a failure to recognize that this relationship is in fact, the heart of the democratic process."

It seems apparent that imperfections exist in the operations of present academic institutions. It seems apparent to me as a citizen that large masses of the citizens of your communities feel that the relationships between the governing and those who are governed leave something to be desired.

We talk about nonfeasance, misfeasance, malfeasance. We also have to learn the words "just plain lousy administration." I don't know what the Latin word for lousy is, but if I did, I would suggest that it is a fourth kind of bad feasanc-if I may use that terrible grammatical construction.

Many call for a third party critic, and the ombudsman has been settled upon as the most popular form of third party critic in our country. Now let me characterize an ombudsman for you and see how this sets with your own charts and your own charter, if you will, from the president, or the faculty, or the students, or whoever appoints you. I am indebted here to Walter Gelhorn for his comments in this regard.

An ombudsman can be characterized briefly as a high level officer with adequate salary and status, free and independent of both the agencies he may criticize and the power that appoints him, with long tenure of office sufficient to immunize him from the natural pressures of seeking reappointment, with the power to inves-

tigate administrative practices on his own motion, and this, of course, is most important. He is a unique officer, whose sole job is to receive and act upon complaints without charge to the complainant. He should have the power to subpoena records. He operates informally and expediently. His principal weapons are publicity and persuasion, criticism and reporting. He does not have the power to punish maladministrators or to reverse administrative decisions.

I was a little distressed at dinner talking with a real live ombudsman, to find that as his office has evolved, that particular ombudsman, more or less, settled on a procedure whereby he can affect a change in administrative decisions. In the particular case we were discussing, changing a student's grade, such a power would be very unombudsmanlike indeed.

Let me repeat those characteristics just a moment. I think they are important if you are going to understand the ombudsman in perspective, and I apologize for the repetition. He is a high level officer. He is free and independent of both the agencies he may criticize and the agency that appoints him. He has long tenure of office sufficient to immunize him from the natural pressures of seeking reappointment. He has the powers to investigate administrative practices on his own motion. He is unique in that his sole job is to receive and act on complaints without charge to the complainant. He should have the power to subpoena records. He operates informally and expediently, without formal hearing procedures. His weapons are reporting, persuasion, criticism, and publicity, and he does not have the power to punish maladministrators or reverse administrative decisions.

If you want or need power to change a grade, then you are not an ombudsman. You may be fulfilling another function which is needed. You may be performing numerous other roles which are necessary, but you are not an ombudsman. Lloyd Bakken who is here from Stockton, who introduces himself as an ombudsman, is in fact not known as the ombudsman. He is a Neighborman for the reason that he does not have all the characteristics I have described.

In San Diego, the city has a Citizens' Assistance Officer who performs many ombudsmanic functions, but again lacking the characteristics of ombudsman, it was decided not to call him one, but, rather a Citizens' Assistance Officer.

In Berkeley we call him the head of the Department of Social Planning. Again, while he performs some ombudsmanic functions as an advocate for disadvantaged in some segments of the community, he is not an ombudsman.

I am suggesting to you that it is quite possible, probably even desirable, to perform some of the ombudsman's functions, and to have as part of your job some ombudsmanic concepts. But don't confuse yourself with an ombudsman if you don't have at least some characteristics I have mentioned, which incidentally have been hammered out mostly by academicians. Walter Gellhorn, Don Rowat, Stan Anderson, Kenneth Davis, and myself, and others sat around for three days trying to get that brief paragraph I read to you. With one exception, myself, all are full time academicians.

Those who hop willy nilly on the ombudsman band wagon frequently fail to realize that the transplantation will not, in America, result in a transformation. The state of Hawaii now has a full time paid state ombudsman. The first in the country, Herman Doi was appointed about two weeks ago, after legislation had been in existence a year.

While an ombudsman would substantially adorn the academic governmental scene,

he would not remake the scenery, nor is there any possibility that he would.

For those of you who suffer from ombudsmania, to use Charlie Ascher's expression again, and others who are ombudsmaniacs without really understanding the office, I prescribe a long, strong dose of realism. The enthusiasm in the academic community for the ombudsman rivals the enthusiasm in the Departments of Economics for PPBS. Both have, as yet, quite limited application. The ombudsman, I am afraid, is being looked upon in the academic community as a "cure-all" who will do things for a baffled and puzzled student citizenry that are already being done or that can be done better by others in the academic community.

Deciding the order of priorities in an academic institution is not something that an ombudsman can do. He cannot decide that Stanford Research Institute will not become involved in defense department research. The priorities of the institution will be set elsewhere, and if an ombudsman in an academic institution thinks he will set the policies of the institution or a different order of priorities, in my opinion he is doomed to failure. His notations are important. His recommendations are germane, in fact, they may be nuclear to the way our academic institutions will look twenty years from now. But he cannot and should not concern himself with the changing of policy decisions, or changing priority decisions. He should only concern himself with providing the information upon which reasonable men may reach their policy decisions. That is an important distinction. He is not an umpire tallying decisions. He should not be a pathfinder through the bureaucratic maze.

Complaints against discretionary decisions where the student disagrees with the decision should become the prime concern of the ombudsman. Where there is no formal means of challenging the decision, the ombudsman should bring his office into play. Grievances against acts of the administration if they result in the ombudsman taking a partisan position or an advocacy position will in the long run do a disservice to the concept in the academic community. I realize that civil rights activists have many collegiate administrations running scared, and this causes them to meet crisis situations in redressing those grievances. Once the panic button has been pushed, very little orderly, reasonable, lasting change will result. Impromptu decisions when the panic button has been pushed invariably will come back to haunt us. It is the ombudsman's job to study his institution, so the panic button doesn't get pushed or at least doesn't get pushed quite as often. The ombudsman's role, in my opinion, is basically to change the nature of the institution, while being concerned with the individual grievance. Let me take again an actual example which came up earlier in the discussion. It is a legitimate grievance, on the part of many students. The professor for whom they signed up is off doing research for HUD or a Council of Government somewhere, or for the Department of HEW, or serving a task force of the President of the United States, or involved in the university's program to improve the administration, or off in Faroutistan, or some similar occupation which removes him from the university classroom. This is a quite legitimate grievance on the part of many students, most particularly the serious students who have come to an institution or to a department because of the fame of its academic members.

The ombudsman's job is not to change the diapers or wipe the noses of the students whose professor never shows up, or who announces to his class, "I am going to be gone Tuesday the 15th of May, and Wednesday the 12th of June," and so on. "I'll give you some sort of library assignment while I'm away." The ombudsman's job is to look at the pattern and to see whether in fact these grievances are in effect a particularly large or important segment of the institution. Is it just the grievance in one department or is it a universal grievance? It is not just

the political scientist with HUD. Members of the physics department, the chemistry department, and the department of social welfare are also on the same kick, members of a new academic jet-set. The ombudsman's job is to say, "This is a grievance which has this pattern in this institution. Therefore I recommend that a new set of rules be evolved: that professor X of this institution shall only under these circumstances accept such contracts or such contingency fees or such honoraria or such contract for consultation. Your own mind can be free, of course, to devise the rule as befitting for your own school. What I am saying quite simply is the fact that the professor is gone 30 per cent of the time. He assigns his class to a teaching assistant or assigns some kind of half-baked library assignment. That is a pattern, and that pattern is the ombudsman's job to discern. If you are concerned only with the fact that professor X in the psychology department is gone, then you will never fulfill your function. Your job is to advise the institution that it must change because a considerable portion of its faculty is doing something which in the case of public institutions, results in the institution not being able to perform in the primary area that the tax payers pay for.

I could go on and on with these kinds of patterns that are emerging in our public and private collegiate institutions. Students are concerned about the old fashioned kind of student government with which I was much familiar. This no longer seems to be relevant. Students now suggest to us that student government should mean something more than the Honor Council and the old patterns. I have not seen any student or campus ombudsman come forth with a study of student government and recommendation for, let us say, a modern kind of government. I have no panacea there. I cannot say that it should be a, b, c, d, and e. It should be a, b, c, d, and e as your institution dictates to your mind and your heart.

This kind of ombudsmanic role, I believe, holds great promise. If there are 25 campus ombudsman today there will be 100 a year from now. If not, there are too many deans of students. I would be very much surprised if we don't have 100. If these ombudsmen are appointed in response to pressure, or in response to a chair being thrown through the plate glass window of the student union, or in response to a sit-in at the president's office, or in response to whatever is going to be in tomorrow morning's headlines, then, the office is doomed to fail, because the student will look to the office as the advocate of his position, reasonable or otherwise. When he cannot get what he wants he is not going to have any confidence in you.

Of course, the prime factor of the ombudsman is confidence. I wasn't kidding when I said you had to be something of a combination of George Washington, Abraham Lincoln, Moses, and Will Rogers, because I don't know what other kind of man can get the confidence, not just of the administration, and not just of the students and the faculty, but the confidence of your community. This also includes the secretaries to the president of the institution, as well as those people who are outside of your immediate boundaries, the city or the community in which your institution is located, and this takes a lot of work. I am sure that many faculties would agree, "Okay, let's have a student ombudsman who doesn't have anything to do with the faculty." If an officer is going to use the word ombudsman he must also be an ombudsman for the faculty, because when you do that you will begin to build up the confidence of the faculty in the administration too. Otherwise, you simply become some sort of advocate of the associated students' union, or whatever it is called on your campus, and I think in the long run your effectiveness will greatly be diminished.

In sum, let me say that in transferring the institution rather than adapting the institution to the academic world, the ombudsman is neither an advocate nor a subversive bureaucrat. He is in fact an ombudsman, and I have tried to describe to you what he may be.

## A REACTION TO THE OMBUDSMAN INSTITUTE

May 6, 1968  
Jerry Kellcher

Although the "practicing" Ombudsmen who attended the Institute were emphatic in their denunciation of the Campus Ombudsman as a panacea for university problems like a patent medicine sold from the back of a pitchman's wagon the Ombudsman Institute appeared to produce some giddy, but no substantial results. After a two day dose of Ombudsman rhetoric a meeting called to begin organizing an Ombudsman Association represented the desired result of the alcohol added to the elixir by a vendor wise to the ways of his "respectable" middle-aged customers. At best this meeting was called to legitimize the office of the Ombudsman to the administrative hierarchy of various universities and colleges. At worst it resembled an attempt to incorporate a pharmaceutical house designed to pass-off on its would-be customers a "Geritol" like stimulant as a cure for a bleeding ulcer. Its design, created by a cartel of pharmacists, would be morale building while the internal organs decayed because of an unwillingness of the customers to admit the cause of their malady. As a morale builder the Ombudsman by definition must avoid morality when expedient.

The atmosphere that pervaded the large and small group discussions seemed to be devoid of an honest attempt to diagnose the cause or causes of the internal disorders present throughout higher education in this country. The Ombudsman idea appeared to be chosen from the smorgasbord of administrative wonder-drugs on the assumption there must be something that will work to restore the proper metabolic balance, as defined by the practitioners of the tongue depressor rather than the X-ray, to the academic body.

Numerous grandiose statements of self-importance emanated from Campus Ombudsman on the assumption they were believed. The almost total rejection of Dr. Hamilton's proposals, particularly by the practicing Campus Ombudsman was, in my opinion, a manifestation of the gross lack of critical analysis on the part of a significant number attending the Institute who occupy positions of authority behind classroom lecterns and administrative desks.

While Dr. Hamilton stressed the need to look for "patterns" and redressing grievances only "when there are no formal means of challenging administrative (and classroom) decisions," the practicing Campus Ombudsman emphasized the handling of individual problems and their personal ability to "cut through the red tape" in order to redress certain grievances. I submit it is this type of action, certainly not limited to Campus Ombudsman, that results in "abuse of government" a situation which, as Dr. Sandler noted, the Ombudsman in the classical sense was designed to prevent. If the circumvention of formal procedure is a function of the neo-Ombudsman then it would seem he becomes an integral part of the malady that besets universities---arbitrariness.

If there are formal procedures that have little or no bearing upon the efficient operation of a university or college why the rule or procedure? If there are ways of circumventing a rule in the name fairness then the rule itself is inherently unfair. If there are individuals within the formal organization of the university who can practice a form of elitism by bypassing

rules and procedures then these rules and procedures are arbitrary. To the student such rules and procedures are not relevant: they do not make sense.

One can argue each individual student has unique problems and these problems need to be redressed; however, the point at which the redressing of individual grievances begins to breakdown formal effective procedures is a delicate one indeed. Dr. Hamilton's emphasis on "pattern" rather than the random clipping of "red tape" appears to be the better of the two alternatives even at the risk of bifurcating the problem. The Campus Ombudsman's power of persuasion must come into play when he has detected a particular pattern of arbitrary decision making. He, unlike the pitchman who relies upon the clever manipulation of words and his customers' gullibility, must rely upon reasoned investigation and the rules of evidence.

The Ombudsman's main thrust on a university campus must be an never-ending effort to create a situation wherein he becomes unemployable---an Ombudsman Association implies permanence regardless of need.

The university and college officials who attended the Institute seemed to be in general agreement with the notion that a Campus Ombudsman should be chosen from the ranks of academicians---some one who knows the ropes. Dr. Hamilton, however, suggested the Ombudsman could be found almost anywhere in the American society. The position taken by many of the Institute's participants reflects the idea that somewhere, or perhaps everywhere, within the university community there is an elite group (professors or administrators) who possess a peculiar kind of academic freedom. Peculiar in that its ethos is self-protection and perpetuation regardless of merit. They sit behind doors where arbitrary and capricious decisions are, perhaps not condoned, but certainly never challenged. If it takes a Ph.D. Degree to gain access to these cesspools of academic or administrative stagnation because of some inherent respectability associated with an advanced academic degree what of the students who do not possess this award? What must they do to gain respectability? If students cannot unlock these doors, if they are denied admission, they will break them down. In short the Institute glad-handed the Ombudsman while the doors remained locked to the student.

The Campus Ombudsman who spoke at the Institute seemed at best to be an ameliorating rather than a change agent, and at worst the "soul" or ethical focal point of the university because others employed in the formal organization have refused to be concerned about the consequences of their actions.

Why did I write this paper? Probably because I have grown accustomed to rules that do not make sense---a reflection of the system.

## THE OMBUDSMAN: A NEW BIRD ON CAMPUS

Nelson F. Norman  
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Produced by San Diego State College  
Assisted by the Associated Students Council

### PREFACE: SOME NOTES ON APPROACH

In Scandinavia, Ombudsmen screen out the majority of appeals and work on only a minority. We try to work on almost all . . . Governmental Ombudsmen use publicity or the threat of exposure as a strong weapon to influence officials. On the campus, with its different professional relationships a quite and discreet approach works better. . . . An Ombudsman should have some non-salary budget for travel, and to play luncheon host for cooling-down sessions between disputants . . . . We rarely attempt to solve a student vs. faculty dispute at one visit. The first presentation often brings bridling resentment which evaporates in favor of reasonable settlement in subsequent discussion . . . . On bigger questions, the original complaint may bear little relation to the true grievance . . . . One must not attach too closely or exclusively to any student group. Students want honesty and integrity even more than they want a 100% partisan . . . . Major changes occurring in 2 to 4 years impress faculty and administration with a giddy sense of breathtaking speed. That rate is an unendurable academic lifetime to students . . . . Many faculty and staff already function in part as trouble-shooting Ombudsmen. Care must be taken to locate them and benefit from their activities, and to avoid working at cross-purposes with them . . . . A consensus must be determined concerning proper changes. No campus can benefit in the long run from having anyone known as fixer for everything, right or wrong, providing enough pressure is applied.

### ELEMENTS TO BE INCLUDED IN PROSPECTIVE JOB DESCRIPTIONS

Specific provisions should match local needs in these considerations:

1. Length of term, method of appointment and termination.
2. Clear statement of accessibility to officials, records, committee meetings and minutes, organs of communication.
3. Clarification of his role: is he the faculty's, administrator's or the student's man? To whom, if anyone, does he report? Is he responsible or answerable to any official or body?
4. What types of problem can he accept? Is secrecy assured?
5. What help is available for informational and referral functions?
6. What official status does he have in regular campus structures?
7. What ultimate power does he have to advance stalemated but justified appeals?
8. What aspects of the job are left to the discretion of the appointee? Office management? Method of operation? Records kept?
9. Who shall pay his salary, and what strings does that imply?
10. What guarantees are provided for his invulnerability?

THE OMBUDSMAN AT SAN DIEGO STATE  
Nelson F. Norman

Must an Ombudsman be trustworthy, loyal, helpful, friendly, courteous, kind, and able to walk on water? Not necessarily. The Academy provides an abundance as well as sensational problems which require no paragon or miracle worker, but an 'et cetera' man who can oil, and on occasion change, the wheels and gears of his institution. There is no model Ombudsman; each practitioner must fit the particular needs of students at his university. Our comments are meant to describe a sample of one experience, parts of which might be useful in other situations.

ESTABLISHING THE OFFICE; CHOOSING THE MAN

The Long Range Planning Board of our student government (the Associated Students Council) originated the proposal to set up an Ombudsman on an experimental basis. They chose to get underway fast rather than to try to outguess all future contingencies, preferring to improve an existing service than to wait until the perfect project was conceived. This permitted them to operate a year or two earlier than other schools where long and elaborate planning sessions ate up the time. Thus the first Ombudsman was handed what amounted to a blank check.

One consideration outweighed all others in the selection among possible candidates: he must be the students' man. Students were to choose him, and the quality of his service was to be judged by students. A full professor with tenure was preferred, to encourage him to move against fellow faculty members or administrators if necessary, without fear of reprisal. Some schools want someone from outside, perhaps a lawyer or psychologist, who can start work with a clean slate. Here the choice was for someone known on campus, with established contacts which could be tapped advantageously. The ticklish problem of choosing someone with credibility for students, and simultaneously for the faculty and administrators with whom he would operate, was handled by a series of informal explorations by student leaders with key members of the other groups on whose advice they had previously learned to rely. Students even offered to pay the salary and expenses of the office to assure the independence of the Ombudsman, but a share arrangement proved workable instead.

I love teaching, so originally proposed taking the position on a part time basis. This is really a triple time job, and to keep one foot in the classroom would be to guarantee doing an inadequate job both places. Should two or three men to it? Should there be a large office staff? They could be kept busy, but building such an empire, tiny as it might be, could well destroy the intimacy and accessibility which are so important. Instead of cutting red tape, a greater tangle might ensue. My tentative conclusion is that the job should rotate, with overlapping terms of perhaps two years, with co-ombudsmen sharing the burden and training their successors. Division of labor can be made between individual case work and improving procedures; only by performing the first can one really understand what is needed in the second.

OFFICE SPACE

"Unpretentious" best describes the converted lower level store room in the Aztec Center (our new student union) which serves as office. Its location on

campus is quite handy, and is a reminder that the Ombudsman is the student's man, not the faculty's or the administration's. Furnishings are Spartan Minimal in style: an old desk, an ancient typewriter, a file cabinet, four chairs, no windows, and an orange rug (personal property) purchased to brighten the setting a trifle. A telephone connects with the desk of our student body president's efficient secretary who provides answering service most of the day. The room may be reached inconspicuously, without running the gamut of an office staff. Inasmuch as a tenth of the work always seems to be undone each day, the desk top is a heaped shambles of accumulated papers and unread bulletins, brochures, and books.

#### TYPICAL DAY

Most work is done outside the office. A posted schedule by the door offers this information:

<u>OMBUDSMAN</u>	Nelson F. Norman	Tel. 286-6578
Tentative Hours:	M T W TH F	
8:15-9:30	X X X X X	
2:30-4:00	X Faculty AS Senate Council	
Also Available by Appointment at most other times--- Check with Nikki Clay in Organizations Center Office.		

This 3 x 5 handlettered notice destroyed one preconception: my expectation of a 'settling down' period at the start of my term was shattered by a tremendous rush of business which has continued ever since. Still, the tentative hours have become the regular ones, with much the greater portion of time being spent running around campus. I know when the Dean of Admissions has coffee, when the head of that department is in his office, when the secretaries in the administration building might have a moment to help me. Very frequently, even typically, I will discuss problems with from five to fifteen people in the course of a turn or two around campus. The fast walks are healthy as well as productive: they help to reduce the tensions which were not as familiar an adjunct of my history department work.

No one is in the office during my out-on-campus time. The secretary then serves as receptionist, arranging appointments for any time during the day. As I am in and out very frequently, or call in often, rarely is a student delayed for a special conference at times other than the 'walk in' ones posted.

#### WORKLOAD: PART I. TYPES OF CASE

San Diego State may be described as a healthy institution in terms of knowing it has problems and of being willing to face them. Both faculty and staff generally have open door accessibility, and are interested in communicating with and helping students. Most problems arise from excessive burdens placed upon personnel, from misunderstandings concerning information or procedures, and from imbalances developing as a result of overly rapid and uneven expansion.

The Ombudsman serves both as a psychological and practical helper. He makes the mammoth machinery seem less formidable, and he points the way by which the student may seek more confidently the true ethos or soul within the structure upon which he must ultimately depend for solution of his problem.

1. Cases not handled. As I possess no specialized counselling training, and as we have an excellent staff of professionals available, personal problems are almost always referred. Our only service is to help the student over the hurdle of making an appointment, a challenge which sometimes constitutes a real block.

Similarly, legal advice is beyond my ability, so the school is exploring the possibility of providing such service on a regular basis.

No personal grievance faculty complaints (not involving students) are considered. Such service might be needed, but should not be combined with service to students. One faculty member disagreed, saying "Next semester you'll have to handle my complaint. I'm going to sign up for three units!"

Draft problems are referred to a special advisor.

2. Cases handled. During the last semester, approximately one hundred and fifty non-referral type cases came to the office, and three other major group concerns involving from 10 to 50 students plus weeks of concentrated work. The individual cases can be roughly categorized as follows (excluding purely informational contacts):

a. Records and evaluations-----	20
b. Outside college contacts----- (Services to prospective students, coordination with community agencies, etc.)	24
c. Registration (Excluding many routine helps)-----	5
d. Dispute with faculty member or policy----- (Plus 40 - 50 in a single group on a very difficult situation)	29
e. Admission and Readmission to the school----- (This does not count a large number of the 600 students denied admission spring semester)	20
f. Financial difficulty----- (Most cases are referable to Financial Aids Office)	4
g. College Regulations, fees, parking-----	22
h. Residency (In-state tuition determination)-----	32
i. Residence halls, apartments, parietal rules-----	9
j. Administrative machinery malfunction-----	12
k. Fortunately many students came in without problems, just to chat for awhile, or to cheer me up in blue moments.	

3. Random jottings from three cases. A woman working for a credential wanted it awarded by January, 1969, in order to support her family. Coursework had been completed, but major errors in filing applications made her ineligible. The degree of confusion could not ordinarily be surmounted for months beyond January, if at all. Ultimately, the decision rested on determining whether the penalties for her filing errors should be waived.

We secured a complete file of her graduate and undergraduate work, copies of her application for graduation, copies of her credential evaluation, and seven typed pages of notes on all facts in the case. Long interviews with the woman, with faculty involved, with the head of the credential program, and with the Dean of Admissions narrowed the decision to one on whether the fault lay with the institution or with the woman's negligence. I respect the procedures, and realize that with several students pressing for each place, waivers can not be granted lightly. All parties agreed to accept my judgement, based on my review of the most complete file on the case. This persuaded me that the woman was hyper-conscientious on all counts, and had misinterpreted a crucial section in the set of directions. My letter to the head of Elementary Education stressed the non-routine nature of the waiver I was requesting, and that only for these very special circumstances was it merited. The appeal was granted. (15-20 contacts)

A non-tenured professor was released. His sense of deep hurt affected his last semester, and he shifted from his rather lenient grading policy to failing from forty to fifty students.

A professor's grade is a sacred prerogative. A long and elaborate but previously unused procedure existed for correction of "grossly unfair" cases, making sure that the prerogative was not sidestepped.

Students had panicked, fearing the draft, non-graduation, and ineligibility for graduate school. We secured all records, interviewed the students, and went through all required steps, informing the professor at each of them. In one emergency we needed support from the college president immediately, interrupting him during a conference in his office, and he came out to help as needed. When the professor ignored our invitations to sit in on all hearings, we asked AAUP to appoint an observer to protect professorial interests. The "F" grades were replaced by "CR" which gave the students credit in the course, with neither help nor hurt to his grade point average. (200 or more contacts in total; at least one-third of time and worry for a semester. Permanent benefit is opening of channels.)

Approximately 600 students are ruled ineligible for in-state status for fees, beyond those 300 clearly designated as foreign students. A significant portion of these are due to ambiguities and inequities in the law. Thirty or more students came separately to my office to give histories. Our college personnel were acting properly as the law is written; our efforts were directed to changing the law. The process is now underway at the state level. (40 contacts, including pleasant and encouraging work with the Assemblyman and his staff.)

4. Challenges and difficulties. The greatest problems of this job are to find and budget time. As this office is responsible to no higher authority, I am even denied the satisfaction of resenting outside direction, and I admit promptly to being the worst boss I have ever had.

Much work has been done, with insufficient let-up, and fatigue has promoted inefficiency. Advice to successor: arrange an afternoon off each week, and take a long weekend now and then. Not only will you do a better job, but you may get a chance to visit the library and read a book.

A difficult problem exists when I must pursue complaints against a faculty or staff colleague who is an acquaintance or a friend. Thus far, I can still enter any office, although frequently a groan arises whenever I appear, whether on business or not.

The office has one additional hazard in faculty relations. To accept the appointment, I was placed on leave from my department and division, although I retain certain participatory rights. Thus, with a non-classwork schedule and an office away from usual haunts, ordinary casual relationships are lost. Some personal professional politicking is also sacrificed, but is compensated for by exposure to additional avenues throughout the institution.

5. Degree of success in casework. Satisfactory solutions have been worked out in a far higher proportion of cases than expected. Some students had helpless cases (such as deserving students denied admission for spring semester because they had been forced to drop out a semester to work), but we pursued all until the final decree was insurmountable. As a guess, perhaps two-thirds to three-quarters of the students got the service they applied for, one-fifth had cases which would require restructuring the whole institution or persuading the governor to change his mind, and five to ten percent were not successful due to my mishandling or other circumstances.

One disheartening feature: a case solved is instantly forgotten in the rush of business, whereas the unsolved one gnaws on conscience and contributes to sleepless nights.

The initial backlog of cases has slackened somewhat. Requests for service vary widely, responding to certain deadlines or activities going on throughout the campus.

One feature has impressed me particularly. Students on the whole do not come with trivial concerns. Their grievances are real, and most merit full consideration. They are polite and patient, often to a surprising degree. And they do appreciate the efforts of the institution to take enough additional interest in them to establish this extra service.

#### WORKLOAD: PART II, NON-CASE WORK ACTIVITIES

1. Public relations. To inform students and the broader public of this service, particularly upon its inauguration, many promotional routes were followed. Among these were: being available for presentations and discussions at many clubs, religious foundations, fraternities-sororities, and meetings on-campus. Also included were appearances on radio and television, utilizing media of former employment. Interviews with the college and city papers produced very helpful descriptive stories which helped get the service off to a quick and busy start. Recently, evaluative appearances before specialized audiences such as educators, business groups, other faculties, have superseded the earlier activity.

2. Student government. We have a mature, developing, and earnest student government. My share in their endeavors is to attend their weekly formal meetings, and then to participate as much as possible in the informal brain-storming sessions. Many significant changes are occurring, which seem to be a most hopeful sign of real participation in campus affairs as well as communication among different levels.

3. Faculty senate. Attendance at these meetings keeps me in contact with professional colleagues, and abreast of the policies which they are proposing for the institution. Frequently when student affairs are involved, they use me as a resource person.

4. Committee meetings. Although it would be impossible to be as active here as is expected of the usual faculty person, some are indispensable and require looking in on them. I am invited to all committees in which something could be gleaned for my position, and out of these have come some directly useful results. Other committees, such as the Faculty-Student Relations Committee, and special ones such as that which I chair dealing with Early Registration (affecting early payment of fees by impecunious students) are essential.

5. Liaison with other colleges. "What are the other schools doing?" is a guide to action in this occupation as well as most others in the academic world. Contacts with other colleges and universities in the state, and with their Ombudsmen where present, have been most helpful in providing perspective for chores here. Particularly useful was an intense visit at San Francisco State, where invaluable lessons were gained during diagnosis of what transforms an activist situation into a militant one.

6. Work with the legislature. On two problems in particular, solutions to campus problems must be sought outside. These are the determination of residency for in-state tuition purposes, and the acquisition of funds for an expanded loan program. Assemblymen Jim Bear and Wadie Deddeh have kindly cooperated with our efforts in these directions, and we gratefully acknowledge their assistance in this traditional aspect of the Ombudsman's role. Eventually Ombudsmen may expand this activity by combining to form an effective lobbying instrument.

7. Student Activities Office. Perhaps no other office so effectively incorporates students into the total community life of the college as does this one. Students must not be regarded simply as the substratum, like the feudal serf, upon which the whole system rests. Cooperation in supporting this view has led to significant programs at this institution, and I believe in their approach as well as share in their experiences and planning sessions.

8. Student Ombudsmen: TEPO. TEPO is the Aztec word for friend. Prior to the foundation of the Ombudsman's position, students in the Business Division had set up their own self-help structure using Tepo as a watchword and identifying lapel symbol. As is true in many schools where student Ombudsmen have been instituted, the experiment had certain drawbacks: lack of continuity, inadequate status, insufficient experience with academic machinery, etc. We believe in the overall idea, and are working closely to coordinate Tepo activities with ours. Thus, problems can be divided according to those which can best be handled by a faculty man and those which can be handled by a student. They also can be pursued by students until faculty help is needed, whereupon this office is available. The service has had most success at registration time with orientation-type assistance.

9. Experimental college. Two able and energetic students inspire a cluster of enthusiastic innovators from headquarters in this same Aztec Center. Some of the most able students and faculty work in various parts of their program, and I find it useful both informationally and from a pleasure standpoint to try to keep pace with their efforts. Involvement in these concerns transforms students from "issues oriented" to "procedures oriented" campus figures, and they learn how much work is required to accomplish anything good. That they accomplish it is admirable enough to merit serious consideration for inclusion in the regular curriculum for some of their courses, while providing informal intellectual stimulation with the others.

10. Administrators. The President, Vice-President, Dean of Students, Dean of Admissions, Dean of Counselling, the Registrar and all other administrators have made themselves and all necessary records and help available at any time. I view my office as one in which problems should be solved as far down the chain of command as possible, and hope to bring few cases to the top. Thus when I do ask for help, it is immediately given on the understanding that their specific assistance is necessary. This is not a new policy in essence, for an open-access situation has existed here before. My role is less that of an innovator than of an expeditor.

11. Committee on Contemporary Curriculum. Student aspirations almost always incorporate curricular proposals. Black Studies and Chicano Studies head the current list of innovations, but this office suggested the broader title of Contemporary Curriculum as a guideline for accelerated expansion of course offerings. Today pressures are strongest in one or two directions, but we must be ready for tomorrow with its changing relationships. A heartening measure of cooperation typified the strong efforts of this entire academic community in developing 19 new courses for this spring on an experimental basis, while aiming to establish whole separate permanent departments as quickly as possible.

12. Financial aids. A separate office is devoted to these concerns. Our task is primarily to work with the director of that office to understand (for referral purposes) what types of funds are available under which circumstances. An additional long range area of common endeavor is to seek additional private and public money in order to help an expanding number of students in need. The Ombudsman acts only as a catalyst in this situation, bringing together the information or people helpful to the director.

13. Faculty Register. This semi-underground publication evaluation instructors was published by an individual for four years, but with his departure it ceased. We had encouraged him then to provide what we consider a useful service (sometimes more appreciated by students than by faculty) and are now striving to re-institute it on campus under the sponsorship of a service fraternity.

14. Aztec column. Our student newspaper prints my weekly column called "The Ombudsman's Corner". This serves to disseminate information to many students with similar problems who thus save a trip to our office. We also try to inject some interpretative materials on the operations of the college, plus suggest lightly some attitudinal alternatives to ease change. In this latter sense, one column listed my 15 "proposals" (not demands) and suggested their negotiability. Most were ultimate ambitions such as payment of a GI Bill type support to all students, but the 5th, 10th, and 15th appealed for doubling, tripling, and quadrupling the Ombudsman's salary. Our aim was to suggest mildly that for reality of accomplishment, ultimate aspirations are splendid, but that compromise is essential to achieve a better reality.

15. Enrollment crisis: spring registration. An excess of between two and three thousand continuing students, more than the total student body at many schools, appeared unexpectedly for fall registration. No extra funds, professors, or rooms were provided, so the spring budget was drained for them. Then we collaborated in dozens of meetings to study how to curtail spring enrollment equitably but sufficiently to fit the curtailed budget. This problem arose from inadequate state support for rapidly expanding higher education, but cushioning the shock was left to the school, with the after-shocks still continuing. The Faculty Senate is proposing registration now for next fall, with payment of fees as earnest money to prevent repeated surprises. My assignment is to head a hardship committee to protect students without advance money.

16. Establishment of new committees. Committees tend to proliferate, and we spurn obeying Parkinson's Law. Yet genuine additional services must be provided to students, so we are working to design and gain acceptance for new "gears". They must have real, not merely consultative or advisory, power. One such is parallel to the Committee on Faculty-Student Relations (on which no students sit). It will be a Grievance Committee of original as well as appellate jurisdiction, and with applicability to a wider range of problems.

17. Student participation on new and existing committees. Our administration and faculty were already embarked on a program to get students involved to the optimal degree in the real decision making life of the college. The Ombudsman has a unique opportunity to "touch all bases" in view of the total perspective which can be useful in working toward a pattern of governance most suitable to a particular academic environment.

18. Conventions. Inauguration of Ombudsmen seems destined to take a crescendo course. One valuable activity is the exchange of information statewide and nationwide. A 'first national convention' was held under the auspices of the University of Detroit in 1968. A similar set of sessions (in which this Ombudsman will share) is tentatively scheduled for San Francisco May 4,5,6, 1969, under the direction of the same organization which set up the first successful meeting. Information can be obtained from: T.A. Emmet, President, HIGHER EDUCATION EXECUTIVE ASSOCIATES, International Inn, Suite 412, 5440 Cass Avenue, Detroit, Michigan 48202.

19. Faculty organizations. These groups are excellent allies and aware leaders in the trend to upgrade the role of students. Much time is spent working with them, of which two samples must suffice for this compressed space. With the AAUP, we work to test their "Statement On Rights And Freedoms Of Students" against our practices here. In most instances students are provided for better than the statement proposes; where that is not the case, we set up machinery to rectify it. With the Statewide Academic Senate, we joined the subcommittee on Student Affairs to report on what we were doing and to study how to improve the situation. With the American Federation of Teachers, we secured valuable information of the statewide situation, and, in cooperation with the local chapter, we took part in several ad hoc campus activities and convocations with the mutual aim of maximizing real and attainable benefits to students.

20. Minority groups. This aspect of campus life receives by far the greatest amount of attention today, and deservedly so. We must submit that the attention is not always based upon accurate reports, nor is it always helpful or productive. The impact differs markedly from campus to campus; generalizations should be undertaken hesitantly. We offer just one: Violence has shown to be thinkable rather than unthinkable at other state colleges and universities. Our minority groups can draw upon that capital here, and without resorting to violence, can expect

maximum cooperation in the attainment of their real aims from members of the academic community who would prefer to change our environment than to destroy it. However, we hope that we have indicated that there are many other concerns on campus, and response to them must not await confrontation and controversy.

Fine leadership in Educational Opportunities Program cares for many minority group concerns. A large number of faculty volunteer their assistance; I was a member of this group prior to taking the Ombudsman position. At present, my role with the individuals in these groups is expanded over what it was previously, but, as Ombudsman to all students, my special service to these groups is much less than that of several dedicated faculty members. Indeed, at times a minority group student has done me more good than I have for him, as when I have tapped one of their members to help me provide assistance in the outside community.

#### CONFRONTATION

At least two Ombudsmen we know refuse to take any direct part in confrontation proceedings. We share their belief that our role is primarily to help students solve their individual problems before they expand to group size or escalate to extra-procedural action.

However, possessors of this unique position may occasionally prove helpful in emergencies. We inadvertently became involved in one such situation. Students and the AFT as well as some other groups were sponsoring a convocation in the center of our campus in which I took part as one of many speakers. Hours later there began a long and complicated incident involving 250 students from the convocation. They decided to move into a nearby meeting of the Faculty Senate to exert pressure on consideration of a topic in which they were interested. A tense situation ensued, during which as moderator, the Ombudsman ran back and forth between podium and crowd, feeling much like an interloper in the sanctuary at a pontifical high mass. In brief, the students settled for discussion rather than disruption, and accepted our assurances that students would be heard in shaping policy.

Two factors predominated during those potentially explosive moments. The president of the Senate was able to work in the unscheduled speakers under totally unprecedeted circumstances, and still maintain the decorum of the Senate, a true tour de force. Secondly, the students accepted guidance in a most realistic and mature fashion, even to the extent of departing when we asked them to in order to permit the Senate to continue its normal business. Had they torn the place apart, their disruption would have been coast-to-coast headline and TV Bulletin news. When they acted in a reasonable and tractable manner, their healthy response passed relatively unnoticed in the media.

This leads me to feel, along with many others, that TV-Radio and the Press are not only reporting campus ferment (often badly), but they are shaping it. For an Ombudsman, who strives to make things work better through existing procedures and orderly reform, it hurts to have recognition and the encouragement of publicity go so exclusively to extremist approaches toward necessary change. More reports are needed from the majority of schools which have learned to solve their problems. It is not enough to infer that they are atypical, apathetic, or just lucky.

## CONCLUSION

As this job is divided between individual casework and institutional reform, so a motto for the position might be: "Maximum Service and Significant Change Rapidly." Another university or college with all conditions different, still would find the office serviceable. There can be no single pattern: the assignment is capable of widest changes. "Ombudsman" is the greatest word in projective psychology since "Rorschach": everyone can make of it what he will... Our cover bird is as variable as the inkblot.

I am pleased to have worked in this demanding capacity. I hope next year to exchange direct participation for exploration, to study conditions at schools both here and abroad. The emphasis will be to analyze various methods and stages of problem solving, of peaceful resolution of potential or existing conflict, rather than to focus upon disruption itself. Your suggestions and help are solicited.

Please send us any information on similar activities in which you are involved. Include what you consider to be today's greatest problems on campus, and what can be done about them. Would you favor a newsletter being published to exchange experiences? Would you like to explore additional potentials of the job, such as liaison and lobbying?

DR. NELSON NORMAN, OMBUDSMAN, SAN DIEGO STATE, SAN DIEGO, CALIFORNIA 92115

THE OMBUDSMAN IN HIGHER EDUCATION

Nelson F. Norman

San Diego State

May 5, 1968

At times my studies and classes in Russian History seem very remote indeed. Then, again, they can seem as timely as high noon the day after tomorrow. My professorial interest ran to analysis of revolutionary developments, to restless youths with their nihilism and anarchism, to reactionary heads of state with their conviction that guns and police could stop clocks, to parents aghast at what happened to their children while away at the university. Remember with me for a moment the poignancy of Turgenev's Fathers and Sons with its wishful-thinking solution to the generation gap, or Dostoyevsky's The Possessed trying to discover what madness gripped men who became revolutionaries. Remember that arch-conservative Minister of Education pointing his finger at the university and telling his ruler "There is the wolves' den!"

But things were all different then. They didn't even have Ombudsmen, so no wonder that sending their daughters to school in Switzerland or their sons off to the army or the provinces provided no really enduring relaxation of tensions.

Perhaps nothing so fully validates Marshall McLuhan's concern about media impact as the distorted image of the campus which now occupies the stereotype chambers of the popular mind. Unlike the excellent reporting furnished by the Russian novel, our media have created a monstrous Dante-esque Academy filled with devil figures which have now captured the decision-making power of a citizenry the media aroused. The result may well be the unleashing of a backlash matched in our times only by Mao Tse-tung's furiously blooming bouquet.

But do our universities deserve such treatment? Is every campus an arena of unceasing conflict, occupied solely by ragged creatures who, when they are not on the barricades, in David Riesman's phrase, are on pot and each other? No. I would aver that at least three quarters of our schools are maintaining an environment conducive to learning. Within even the most riotous ivy walls two-thirds of the students would like nothing better than to continue the orderly pursuit of their educational goals. Nationwide the total time lost to campus disruption would compare badly with that lost to domestic sniffles or foreign flu. In short, the Academy, though assailed by unprecedented pressures of over-population, under-financing, and knowledge explosion, is healthily thriving. Despair and dismay, fed by shallow reporting with no perspective, and stimulated by the uncertainties and problems prevailing in society at large, are not earned. Now is not the time to amputate the arm to cure its ache. To focus on conflict is more exciting to viewers, listeners, and readers than to analyze solid gains, yet perspective must be grasped if we are to avert panic.

I will go further. In spite of their idiocies, excesses, and scholastic aberrations, those five or ten per cent of the students who are at the epicenter of controversy will be, when the ledgers are finally totalled, in the productive column. A man on horseback can quiet them to the tune of standing

ovations, the gendarmes can club them, but to the extent that these activists are serving or fulfilling the need for change in our Age of Crescendo, we will be in their debt. To the extent that they are motivated by sheer sloganism, or are solely self-seeking, or simply destructive of the fragile and vulnerable halls of learning, we must minimize their impact.

This is the point at which we approach our own qualifying examination, with its troublesome questions: "How can we tell the good guys from the bad guys?", "How can we know when and how to move?", "What risks will we have to take?", and, most important of all, "Will the accumulated values of higher education be lost in the process?" I am somewhat loathe to reveal full answers to all of these questions at this juncture. My assignment here is solely to gage the Ombudsman's role in the situation. That is enough to keep up busy even if we only trace his potential involvement in these phases of academic life.

Two questions concern us here. First, how should we view and relate to the self-appointed elite or activist avant-garde and to the much larger substratum of earnest students content with the curriculum they have? Second, what is the optimum method of change to fit our Age of Crescendo --- reform or revolution?

My brochure, THE OMBUDSMAN: A NEW BIRD ON CAMPUS, details the nuts-and-bolts application of an Ombudsman's routine efforts. In this disquisition I will examine what attitudes and aspirations he has within him before he unlocks the office door each morning.

Let us address ourselves to the second question first. Clearly this violates following a consistent order, but accept it as our recognition of the illogical and irrational elements which are a part of the total mix on campus.

What is needed, revolution or reform? Permit me to stress that the word "revolution" is not banished from my vocabulary or from my spectrum of admissible alternatives any more than it was by Washington or Jefferson. For instance: Columbia University has undergone riot experiences which have received drenching oceans of publicity. Columbia is also having a significant and promising revolution which has had only the slightest dampening driblet of notice in the media. To be specific: in a milestone-marking move, as an alert Christian Science Monitor reporter describes the event, students and faculty at Columbia have voted overwhelmingly to establish their first University Senate. For an institution previously without a real senate of any sort, the revolutionary nature of the proposal is revealed in the distribution of the proposed Senate's one hundred seats: 58 go to tenured AND NON-TENURED faculty; 21 ARE ASSIGNED TO STUDENTS; 7 are reserved for the administration; 8 go to groups such as library staff; 6 are to be held by Columbia-affiliated institutions such Barnard. Says David Holmstrom, the MONITOR correspondent, "It is significant that not one television camera was there to record the event. Yet less than two weeks ago an SDS-led demonstration on campus attracted all the networks and the local TV stations." Revolutionary actions undoubtedly contributed to this accomplishment, particularly in terms of time. Professor Michael Sovern, chairman of the executive committee of the faculty, reported that he thought Columbia might have had a senate within the next five years, "But maybe it would have been only a faculty senate. The disruptions affected the pace of change and the content."

(CSM, 4/11/'69, p. 3). We must remind ourselves that five years is two semesters longer than the average undergraduate's academic life.

An Ombudsman handling case work quickly realizes that many individual complaints arise from faults in policies and procedures. He learns that specifics can not be handled, except in a palliative sense, until general conditions are altered. At this point he either winces and withdraws from the prospect of wrestling with the establishment juggernaut, or he submerges himself in involvement with promoting institutional change. Obviously, if his institution has crystallized into rigid and untouchable patterns, he can do nothing except distribute placebos. But if the institution is flexible and adaptable, he, with his unique ultra-generalist role, may make significant contributions.

Reform or revolution. Let us categorize two types of each. There is swift reform and slow reform. There is constructive revolution and destructive revolution.

One student challenged me recently by asking how I could endure a continual "middleman's" role, trying to maintain impartiality, equanimity, and sanity in a process which denied me full allegiance to any person or party, and blocked my commitment to any soul-possessing cause. The work HAS driven me to drink a bit more, proving that some good comes out of everything. But my real escape is partly to take out my woes on my family and partly to echo Luther's "Here I stand!" when my own integrity is on the line or when I become a partisan concerning the best course to follow to work out a problem. My stand on the categories just outlined is in the overlap between swift reform and constructive revolution. I abjure overly-slow reform, which can be recognized by all sufferers who endure the exasperatingly slow processes which too often occupy members of any intellectual community. I also reject destructive revolution, which is harder by far to recognize. On an in-process basis, who can tell when the gantlet is thrown down and the bricks are flying whether the ultimate outcome will be beneficial? A major change can have wretched consequences even though no windows are smashed, and, conversely, it is possible that a flurry of rocks may be the only conviners that further delay can not be tolerated.

Does that leave me once again in a compromising Henry Clay grey mid-position? Not really. Instead, I view events as a race, a competition between our alternative choices. My preference is for swift reform as against all other possibilities. Ultimately it rests on a faith in students, an expectation that they prefer to settle for concrete advances rather than for bombast and disruption. This is a risk-taking position, and one against which much evidence has been and will be forthcoming based upon the impatience of some students who will seize a building or a dean in an attempt to accelerate progress toward their goals. This is the point at which the temptation to call in the guards becomes almost impossible to resist. Over-reaction has demonstrably escalated the gravity of the threat at the vast majority of schools where it has occurred. Successful "cool" responses have varied from place to place, and although there is no single assured pattern of conduct for success, conflict resolution by peaceful means can occur. Why have no studies been made of such conflict-preventing procedures, or of the variety of solutions which have been tried where trouble has arisen? One reason is that such detachment and effort is a demanding and undramatic route for a country used to the war or sport conflicts where two forces of ultimately

similar type compete, and at least sometimes come to a win/lose conclusion within the time expected. Thus the consumers of media outpourings view campus conflicts in the simplistic terms of force and countervailing force. "Is there a riot? Let's have a whiff of grapeshot, or mace, or send in the tactical squads."

During the race between swift reform and revolution on any given campus, the Ombudsman preferring swift reform will draw upon two sources of capital: one is found in genuine demonstrations of progress within his institution; the other is his moral force or "credibility" to the students preparing to make a choice. This latter quality derives from an enormously complex set of common experiences and inter-relationships, the accumulation of which comprises at the same time a hugely satisfying aspect of the position and a psychic and physical drain upon the Ombudsman's intellectual and emotional resources. He must plumb both poles of his being, in order to match our age which is in a state of transition between modern classicism and a futuristic brand of romanticism. Balance, order, logic, reason, and worrying about making a living are over-30 type values in the minds of many experimenting, feeling, sensitizing, individualizing and rule-breaking youth.

I doubt that the Ombudsman can ever achieve total identification with any single leader or group should he want to, much less with many leaders or groups. The reason lies in the basic imperatives of his charge: to work with and for all individuals and groups. If swift reform wins the race, it is clear he can not claim the credit. Yet there is really no harm in letting the rooster believe his crowing raised the sun. Similarly, let's allow the hard working Ombudsman feel he is instrumental when he sees students spurn the call to militancy and choose instead to collaborate in the drudgery of shaping real solutions. All academicians of any stripe, however, should join in a solemn vow never to say the words, "It can't happen here!"

How should we relate to students, both the elite and the silent majority substratum? I grant that it is time to address ourselves to our first question, but let us approach this by indirection, and infer the answer from the procedures I would recommend for dealing with campus ferment. ("Ferment" is a more positive, constructive word than "riot" or "turmoil"; a promise of a future wonderful product is implied.) Parenthetically, we all understand that at least peripheral relationships should be maintained with the maximum number of groups, and deeper participation should occur with as many as possible. For example, an aspiring activist leadership group might like help in formulating their thinking or in implementing their plans, whereas a silent majority sub-section might need persuasion, prodding, or goading to take part in campus life or politics.

But if a threatening cloud is on the horizon, be it no bigger than a man's hand, action must be taken. But what kind of action? I suggest the following, not as the panic-button instant insurance simple formula for which everyone is looking, but as a continuing program for constructive academic improvement and growth. The whole scholastic triad, faculty, administration, and students, must be involved to make the plan succeed.

1. Open a vastly increased number of institutional instrumentalities to meaningful student participation. This should include representatives of the currently inactive students as well as those who already are in the avant-garde. The faculty and administration must volunteer this first step, and not wait for it to be extracted from them grudgingly. Thus, this should be in the nature of a freely-undertaken contractual obligation to enhance the

status of the whole student body, not just the most prominent pressure-exerters of the moment.

2. Those instrumentalities should then take as their first order of business the task of evaluating the existing and projected needs of the institution, combining their findings to develop a comprehensive program designed to effect optimum change. As faculty and administrators do this constantly, the primary new proposals will be those suggested by students, which will be neither as splendid or reasonable as the students originally believed, nor as unthinkable as the established senior partners view them. Success will depend upon the balance between urgency and reality within the group. The "credit-no credit" grading system is one sample of a proposal meaningful to many students today. In any case, proposals are preferable to demands, particularly non-negotiable demands, and the faculty should be fully as zealous as the students in proposing innovations for the benefit of students.

If the above two steps are undertaken seriously and speedily, then swift reform is off to a good start in the race versus revolution. If the steps seem too steep, disruption or an imposed prison-like peace may be the only alternatives.

3. An important third step is essential to the process we propose. Two sets of tests, one internal and others external, should be designed to evaluate whether the progress being made is adequate. Inside the institution, scientifically designed "instant polls" (and perhaps referenda) should measure the response of the whole academic community to work-in-process. Outside the institution, nationwide criteria for goals can be established, as is being done now in such cooperative efforts as that represented by the Students' Bill of Rights being developed by the American Association of University Professors. A reference reservoir of beneficial experiences can be promulgated and supported by many of our existing professional organizations, including those of students.

Visitation teams, similar to accreditation teams, can be available to assess the status of affairs where slowdowns or breakdowns appear. An association of Ombudsmen would be most helpful in this work.

4. If an institution has embarked on this program, and is willing to accept the degree of participation required, then if any group within the institution demands extra or excessive advantages for itself via the route of threat and coercion, reluctantly but inevitably and after consultation among the proper school officials, the authorities must be introduced into the picture.

Such a call for help must come from the university itself, and only in accordance with the May, 1969 AAUP statement outlining guarantees of academic freedom and autonomy. If an institution is already far down the turnpike of trouble, the backlash may already be in the picture and resolution of the conflict is outside the sphere of control of the institution. If not, amnesty might well be considered for those persons willing to attach their hopes to the prospects of the new procedures.

Academic freedom is the freedom to do things related to learning, not the unlimited freedom to wreck things.

The above point will be opposed most heatedly by precisely those groups who are most willing to sabotage the whole university if it does not respond as they wish to their special pleading. But where the imbalances they want to impose have not been matched by present or prospective benefit to the institution, they must be prevented, if necessary by force greater than they can muster themselves, from violating further the fair practises of the school which has granted them a haven. The totality of causes served by the Academy both now and in the past far transcends any excuse or claim that it should now be wrecked if it does not serve this or that cause in a dictated way upon demand.

The Dow-Jones quotations upon my credibility have now undoubtedly slumped in some quarters. But let me say in my own behalf: this last distasteful step is only advised in those cases where an institution has failed to make the maximum contribution of which it is capable, as measured both by the persons directly involved and by outside observers. This stand is a function of the Ombudsman's responsibility to serve the health of the whole institution, sacrifice as he may the warmth of adulation which might accrue from single-minded partisanship.

One feature has been ignored above. Outside pressures and powers impose their weight upon the university to a degree which severely limits our capacity to act as free agents. Financing is becoming astronomically more difficult for maintaining existing programs, much less for adding new ones. External boards may affect academic destinies, while being most responsive to non-academic influences. Major evils, like the Vietnam War and racial injustices, often impinge heavily upon students, while lying largely outside the academic sphere of influence. Yet the campus community is beginning to be more important in the whole society. For that reason among others, we would like to make that society more aware of our real aims and true efforts, and hope that in the meantime our schools can avoid committing suicide by pursuing rash actions which invite drastic repressions. The university is dedicated to building and increasing positive power, creative power for all of society. Negative power, washing at the foundations of learning, is far more apt to wreck the university than to institute a program of comprehensively beneficial change.

Let me solicit here your assistance in our striving for swift reform.

## THE OMBUDSMAN AT MICHIGAN STATE UNIVERSITY

James Rust

Because of the recent appearance of several articles in widely circulated publications, I have received a considerable number of requests for information concerning the office of University Ombudsmen which I hold at Michigan State University. In what follows, I shall try to give a brief account of the office of the Ombudsman as it is found in several countries, but especially Denmark and Sweden. Then I shall explain the appearance of this office on the campus of Michigan State University, something about the method and criteria of appointment, and responsibilities and operations of the office.

First, some history of the institution in Scandinavia. It all started in Sweden during the reign of King Charles XII. As a result of the Russian victory over the Swedes at Poltava in 1709, the Swedish king was an unwilling guest of the Turkish Sultan until 1714. During the five years of his absence from Sweden, Charles ruled through a Council of Ministers and the bureaucracy of the Royal Court. In 1713 he wrote one of his trusted aides to keep an eye on the bureaucracy - especially the judges and the tax collectors. After his return from exile in 1714 he was so pleased with this arrangement that he made it permanent, giving the official the title of Chancellor of Justice.

Almost a century later, after Sweden had become a constitutional monarchy by the Constitution of 1809, the Parliament decided that it also needed a watchman, perhaps to watch the king's watchman. So came into existence the Ombudsman. Both offices still exist; both watch for the "oppressor's wrong, the law's delay, the insolence of office," and the other burdens which Hamlet says cause us "To grunt and sweat under a weary life." The Ombudsman, however, has come to be the more active and important of the two officials, and it is that title which has come to be used in popular parlance in many countries, regardless of what the official title actually is. Such offices exist not only in Sweden, but in Norway, Denmark, Finland, and New Zealand.

Most of these offices were established in response to a feeling that government was getting so big and impersonal that Joe Citizen needed someone in high position to look out for his interests because not always do those who administer the law do it in the spirit in which it was created. Human frailty being what it is, sometimes bureaucrats become arrogant and need to be checked, and even judges are not infallible so that it does no harm to have someone looking over their shoulders as they write their decisions.

What are the duties and the powers of Ombudsmen? This question can be answered in part by saying what they are not. The Ombudsmen do not take part in the legislative process - they are not policy-makers. They do not have the power to reverse decisions made by the courts or governmental agencies. In Denmark the Ombudsman may order the public prosecutor to investigate the conduct of a public servant or to commence criminal proceedings against him. It is interesting that in the years since his appointment, the present (and only) Danish Ombudsman has never ordered such action. The Swedish Ombudsman has similar powers. In addition all these officials in various countries have great powers of investigation, with theoretically unlimited access to official records. Finally, the Ombudsmen can often explain actions by the courts or administrative agencies which citizens do not understand. In this connection the Danish Ombudsman publishes frequent articles in newspapers and magazines about problems - not people - that have come to his

attention. In this way, the Ombudsmen serve a valuable educational function for the general public as well as those immediately concerned. However, the Ombudsman's principal power is expressed in the Danish statute in this innocuous sounding sentence: "In any case the Parliamentary Commissioner may always state his views on the matter to the person concerned." This simple statement contains the Ombudsman's real muscle. The fact that he has the power to voice his opinion enables him to exercise a guiding influence on public servants and provides him with a legal basis for negotiating with the agencies concerned. In those countries having an Ombudsman this power of criticism has been proved to be remarkably potent. Professor Hurwitz, the Danish Ombudsman, puts it this way, "Pursuasion is more enduringly forceful than edict."

For the most part the Ombudsmen operate behind the scenes to correct conditions eliciting complaints. As a matter of fact, most of the time their reports simply announce conclusions that have been reached with various officials and reveal nothing of the negotiations involved. The process is aptly described as "discussion before pronouncement." \*

As you have read this summary of the history and characteristics of the Office of the Ombudsman, I am sure that certain correspondences, certain analogies have presented themselves to you. As government has grown so vast and complex that the individual citizen feels helpless and frustrated when he has to deal with a governmental agency, so have universities grown so large and complex that students often feel that they are no more than IBM cards. As citizens need help in dealing with government bureaucracy, so do students need help in coping with university faculty and functionaries.

The adaption of the concept of the Ombudsman to an American "multiversity" began almost three years ago when the faculty and the administration at MSU became concerned about the so-called "alienation" of students. The President asked the Faculty Committee on Student Affairs to study the whole problem and make recommendations that would hopefully give the students a larger share in the educational enterprise and help to alleviate the impersonality inherent in an institution with an enrollment of 39,000. One of the recommendations of the report of this committee was that an official should be appointed with the title of Ombudsman. The office is described in Article 8 of the report, as follows:

#### The Office of the Ombudsman

The President shall appoint from the senior faculty a high prestige official with the title of Ombudsman. The sensitive and confidential nature of the Ombudsman's work dictates that he conduct his operations with dignity and integrity. He shall respect the privacy of all persons who solicit his assistance and protect them against retribution.

He shall establish simple, orderly procedures for receiving requests, complaints and grievances of students.

He shall assist students in accomplishing the expeditious settlement of the problems. He may advise a student that the student's request, complaint or grievance lacks merit, or that the student should seek his remedy before another duly constituted body or officer of the University; or the Ombudsman (if he deems it appropriate) may assist the student in obtaining an informal settlement of the student's problem.

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\* This summary is based upon Walter Gellhorn, Ombudsmen and Others, Harvard University Press, 1966.

In the performance of his duties the Ombudsman shall have broad investigatory powers and direct and ready access to all University Officials from the President down.

When the Ombudsman deems it necessary he shall report directly to the President valid complaints for which no remedy has been found. He shall also report any recommendations he wishes to make regarding such complaints.

He shall make periodic reports to the President regarding the operation of the Ombudsman's office.

Please observe the following about this article: One, the charge to the Ombudsman is phrased in rather general terms so that the person appointed would have fairly wide latitude in creating the post to fit his own conceptions of the role. Two, the Ombudsman should be appointed from among the senior faculty and the position should be one of "high prestige." Three, he is outside the regular table of organization, representing the President of the University and reporting to him (or to his deputy, the Provost). Four, the Ombudsman has "broad investigatory powers" and "direct and ready access to all University officials." Subsumed under the phrase "broad investigatory powers" is the power of access to all University student records except those involving professional confidence, as in the Medical Center or the Mental Hygiene Clinic.

You will also notice that the Ombudsman is to be appointed by the President. The appointment process was approximately this: The Provost solicited nominations from the Deans, from faculty members - especially those serving on the Academic Council, and from student leaders. This process resulted in a list of approximately 65 names. The Provost and a selection committee from student government studied this list, putting the names into three categories: "recommended," "acceptable," and "not acceptable." At length a first recommendation and alternates were submitted to President Hannah, who then made his recommendation to the Board of Trustees. Among the criteria for appointment seem to have been an ability to relate to students, experience as a classroom teacher and student adviser, the ability to say no as well as yes, a wide acquaintance among faculty and administration, and a good knowledge of the workings of the University. The funds for the operation of the office come from the general fund through the President's budget.

The office opened for "business" with the beginning of the Fall term 1967. The "simple, orderly procedures" prescribed in Article 8 have been established. The student who comes in to see the Ombudsman fills out a simple form, giving his, student number, class, major, and college.\* Then he completes the following statement, "I wish to consult the Ombudsman about . . ." Having filled out this form, he is given the opportunity to express his grievance privately, behind closed doors, to the Ombudsman.

In accord with the injunction of the Freedom Report, the Ombudsman tries "to assist the student in obtaining an informal settlement of the student's problems." The controlling word here is "informal." There is no formal hearing before a board or committee, only the student and the Ombudsman in a relatively quiet office. This is where the Ombudsman performs one of his most valuable services. He listens. He listens to the student's story, occasionally asking questions or making comments and taking notes. Many times has he been told, "You're the first person I have found who will listen to me!" Sometimes students have said that all they wanted

\* See sample attached.

was for someone to listen, especially when they had only generalized comments to make.

Following the conversation with the student, the Ombudsman investigates to determine whether the student's complaint is truly justified. If it involves an instructor, he must be given the opportunity to state his view of the matter. If it involves an administrative official, he must be consulted to learn whether the student has fully and accurately reported the matter. Following the investigation, the Ombudsman reports, either orally or in writing, the results of his investigation to the complainant, together with a statement that his allegation has or does not have merit. If the former, a recommendation for further action is made or the matter is settled out of hand. Often this investigation involves merely a phone call; sometimes, however, it can consume hours and spread over several days.

The University Ombudsman, like his governmental counterparts, is concerned with complaints about arbitrary and capricious enforcement of regulations, with requests for help in a great variety of situations, with explanations of the meaning of regulations and the necessity for their existence. Students, being late adolescents or young adults, desire complete freedom of behavior, but they want also to be protected against the possible results of their behavior. They are very quick to take offense against what they regard as infringements on their rights and, being human and relatively inexperienced, they sometimes misinterpret or misunderstand. As a result some of their complaints or grievances, when examined and investigated, are revealed to be without real foundation.

Let me quit speaking in generalities and discuss the precise kinds of problems that students have brought to me. These fall into three categories: 1) Those related to the offices of the University Secretary and the Vice President for Business and Finance. 2) Those related to housing and social regulations, and 3) Those related to academic matters.

Those related to the Vice President's and Secretary's offices include such things as comments ranging from the resigned to the enraged about increased tuition. Some just wanted to register their protest; others wanted help in getting a refund, still others were angry because they had to pay more than they had expected to. Some came to me with problems about fee refunds when they receded their academic loads, about late registration fees, about fees for replacing a lost ID card or library card or bus pass. I have listened to sad stories about the discrimination practised against those who have to park their cars in a parking lot located some distance from the central campus. Several students, especially teaching and lab assistants, have appealed for my help in getting permits to park on campus. I have even been asked whether I could fix a traffic ticket!

Several students have come to me about problems that really are not the responsibility of the business office, but I do not know how else to classify them. They are problems that students have encountered with respect to on-campus employment, such things as variable scales of renumeration or being fired without warning. One student called to complain of the plumbing in his room; another asked for help with an income tax problem; another, a graduate student, needed help to be admitted to the University Health Center. And, of course, there were those who complained about the way football tickets are distributed.

Complaints concerning housing range from, "I don't like my roommates. How can I get another room?" through "How do I go about breaking my housing contract?" to "Why can't I study with my boy/girl friend in the dormitory lounge or in his/her room as long as we please?" Queries like these are referred to the appropriate

authority in the office of the Dean of Students or of the Residence Halls or I inquire myself on the student's behalf.

Those who do not live in University housing sometimes come to me with questions about breaking apartment leases, getting back deposits, or appealing to the committee which hears the cases of students who move off campus without permission. Some of these are referred to the legal aid division of student government or to people in the Dean of Students Office concerned with such matters.

The third category is that of academic problems, which may in turn be divided into several sub-categories. For example, during registration I am asked by students who have flunked out of school (sometimes they are accompanied by their parents) to help them get back into school. I am glad to report that a few have been readmitted after the assistant deans had reconsidered the records. Another academic area where students appealed for help was that of registration. A considerable number came to me because they could not get into courses that they wanted or needed. Sometimes I was able to help but not always. I have had to explain various academic regulations, such as that which says that one must complete a full year of elementary foreign language in order to receive credit for any part of it. Students have asked for help in getting into courses for which they did not, technically speaking, have all the pre-requisites; they have complained about the drop-add policy, and of course, they have complained about grades, for what, I suspect, are pretty obvious reasons. I simply recommend that the student follow the process of appeal prescribed in the Academic Freedom Report. The report recommends that the student who is unhappy about a grade he has received first consult with the instructor. If he gets no satisfaction there, he should appeal to a department committee and then perhaps, to a college committee and finally to the Dean. And I presume he could go even beyond him to the Faculty-Student Judiciary, though the Report is not very clear on this.

One of the pleasant surprises thus far has been the fact that I have had so few complaints about my faculty colleagues. One of the principal reasons why the Faculty Committee on Student Affairs recommended the appointment of an Ombudsman was their concern over the number of students who had come to them with bitter complaints about bad teaching, about instructors who cut classes time after time, and about other kinds of unprofessional conduct. Though thus far I have had relatively few such complaints, they are increasing in number, perhaps as the word gets around of the existence of this office.\*

What does the Ombudsman do when a student comes to him? What action does he take? What response does he make?

1. To repeat, he listens. A considerable number of students seem to want nothing more than a chance to talk with someone who will really listen. To be a courteous, even sympathetic listener is the first duty of a college or university Ombudsman. As a careful listener, not only can he reduce the student's head of steam, but he can also learn much that will be of value to him both in the current instance and also in future cases.
2. He advises. By no means all the students who come in are complaining about the arrogant, capricious, or unprofessional behavior of an

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\* By the end of the school year, these complaints had increased so much that they finally constituted the largest single category of grievances.

administrator or a faculty member. A sizable percentage simply want advice about a wide variety of problems. These range all the way from legal questions, such as problems concerning leases in off-campus apartments, a divorce suit, a possible suit for false, or many other situations. Of course, not being a lawyer, I make no effort to give legal advice on such matters; the only advice I give is for the student to get a lawyer and I help him do that if I can. Students also ask for advice concerning academic matters. I have had long conversations with students about their choice of majors and whether they should get a certain requirement completed early or postpone it.

3. He explains. It has been my observation over many years that students are sensible, reasonable people. Many of the complaints that they bring to me are the result of misunderstanding or insufficient information. When someone explains why it is that they must do this or that or may not do the other, the great majority will accept the situation with good grace. For example, when a student learns why the faculty of the College of Arts and Letters insists on second year foreign language competency for the B.A. degree, he may not be any more enthusiastic about German, but he is more likely to work for that competency without grumbling. So also the student from Ohio or New York who would like to pay in-state tuition. "After all," he says, "I am married, I have Michigan license plates on my car, I pay Michigan sales taxes and income tax, and I am going to vote in Michigan in the next election. Shouldn't I be permitted to pay Michigan resident tuition?" When I have explained to him the provisions of the Joint Resolution of the Legislature, which governs this matter, again he may not be happy about it, but he understands why he must continue to pay out-of-state tuition and feels less rebellious.
4. He refers. Many students come to me with questions, complaints, or problems that can best be dealt with by another faculty member or official of the University. Thus a student who comes to me with a problem that is properly the responsibility of the Dean of Students will be referred to him, usually after a phone conversation in which I explain the problem and perhaps recommend a solution. Or the student will be referred to the Assistant Dean for Student Affairs of his college if he has an academic problem. If it is a personal matter he will be sent to the Counselling Center; to the Registrar's office if it concerns his records, or the Business office, if money is involved.

This is the action taken in most of the cases that come to me. I sometimes call myself a traffic policeman directing student traffic down one street or another. I am sometimes surprised at how little they know about the help available to them even after four or more years on campus.

5. He reviews. Often a student comes to the Ombudsman because he is unhappy with a decision made by some University functionary. For example, perhaps he has asked permission to move from a dormitory room to a room or an apartment off campus. Of course, when a student enters a dormitory, he signs an agreement that he will stay there until the end of the school year. If he wishes to break what is in effect a lease, he must appeal to a committee. Sometimes the student whose appeal has been rejected will come to me for help. In such instances, I will review all the steps of the appeal, including all the evidence the student has presented to support his request. If I find that the student has been treated fairly, that he has received all the consideration that is his due, then I have

to tell him that he has no grounds for complaint. However, I have been able several times to call the committee's attention to evidence which they had overlooked or to which they had not attached sufficient weight and they have changed their decision to favor the student.

In other instances I have reviewed the action of Assistant Deans in withdrawing students from school for academic shortcomings, have checked on the decisions of the Office of Fee Determination or the Registrar concerning refunds of fees.

In every instance, when I review decisions made by University officials or committees, it is with the purpose of determining whether the student has been treated fairly and justly.

Dr. James Rust  
Michigan State University

## AN OMBUDSMAN FOR THE UNIVERSITY

Ake Sandler  
Professor of Government

Henry P. Kirk  
Assistant to the  
Dean of Students  
California State College at Los Angeles

Edmond C. Hallberg  
Dean of Students

\* \* \*

From The Journal of College Personnel  
March, 1968

As our state universities grow larger and more complex the question of the place of the individual in the academic community becomes paramount. Students, faculty, and administrators alike are finding that institutional policies reflect the personalities of those who comprise the university to a proportionately lesser degree. The individual feels he lacks both a voice in the affairs of the institution and a means to communicate his feelings. He acts out his part in the play realizing that he has little to say about the production.

Compounding the problem of size and complexity is the stifling bureaucracy which characterizes today's major state colleges and universities. One must go through four or five officials or committees in the hierarchy before finding sufficient authority for a decision. The lateral bureaucracy is also a problem, perpetuated by specialization. How often is assistance not obtained because "this is not my field." One group is many steps removed from the problem; the other is more interested in the individual's liver, his ego, his rights, or his term paper. Neither group has a systematic way of communicating effectively with the other or of determining if the decisions they make are, in effect, beneficial to either the institution or the individuals who comprise it.

In looking for a solution to its problems of individualization and communications, perhaps the university can learn from the Scandinavian office of "Ombudsman," which has received increasing world-wide attention as "a device for controlling bureaucracy" (Rowah, 1965). It is a means to combat the impersonalization of the governmental structure, to increase the voice of the people, and to open important avenues of communication. The office of Ombudsman represents an attempt to allow the individual to have an impact on governmental bureaucracies through an independent agency established to help him with his problems. Sweden, Finland, Denmark, Norway, West Germany, New Zealand, England, and the State of Hawaii have found such an office useful in curbing abuses of state agencies in their dealings with ordinary citizens; and their experience in the use of the Ombudsman<sup>1</sup> has been so satisfactory that other nations and states are seriously considering its adoption. Inasmuch as the modern university has problems similar to those of the government, perhaps the academic community can borrow from government a solution to the dilemmas of impersonalization, exclusion, and effective communication.

To better understand the functions of the Ombudsman in the university, it would be helpful to look at the country of Sweden, where the office of Ombudsman

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<sup>1</sup> "Ombudsman" is the most common title used in the governments that have adopted the office.

originated in 1809, and where it now enjoys constitutional status. The Ombudsman, or JO as he is called for short, has the authority to solicit cooperation from all civil servants in conducting investigations into the abuse or misuse of power by administrative agencies and courts in their relations with the citizens. JO has access to all files and minutes of courts and agencies and is entitled to be present at all their deliberations and decisions. This provides the Ombudsman an opportunity to check into wrongdoings and to publicize the findings of his investigations, which is often done through the press, without whose cooperation JO would be much less effective. In a special section of JO's office in Stockholm, newspapers are systematically surveyed in search of news about the kind of wrongdoings that come under JO's jurisdiction. This jurisdiction, incidentally, is so broad that it covers all the principal state agencies from housing and unemployment to medicine and education. Naturally, JO is neither able nor willing to supervise the whole state establishment, but as JO himself, Alfred Bexelius has pointed out that the real value in the office lies in its deterrent impact on individual bureaucrats who fear nothing more, at least in Sweden, than being exposed as incompetent or arrogant or both (Bexelius, 1966). Plenty of case stories each year, which appear in the Annual Report on JO (Justitsombudsmannens Ambetsberättelse, 1966) are open and convincing proof of the alertness of the Ombudsman; and in studying these individual cases, one must conclude that JO at least gives the impression of being capable of reaching into any court or administrative agency to put the spotlight on some wrongdoing judge or bureaucrat and bring about a correction. And even though JO cannot alter decisions already delivered by courts and agencies, he still is free to petition the Government, the Riksdag (Parliament) and the agencies and courts to rectify deficiencies in the laws and statutes, or in any other manner further the public interest. After all, he is the Public Defender Number One, and the people rely on him to protect and defend their interests (Bexelius, 1961).

JO in Sweden is responsible to Parliament, whose creature he is. He reports each year to the Riksdag. The Riksdag can criticize him and remove him, but this has not occurred in modern times. In actuality he is responsible neither to the Government nor to the Riksdag, but only to the Swedish people. In reviewing JO's Annual Report for 1966, one is struck by the great variety of cases on the one hand and the contrast between the "small" and "insignificant" and the "big and important" cases on the other. The documentation is impressive, and after going through the thick volume, one knows that JO did a job -- that year, at least!

The need for an Ombudsman has also become apparent in the United States, both on the state and community level as well as in the field of business. Nassau County on Long Island acquired America's first Ombudsman and two states, California and Massachusetts, have seriously considered instituting such an office; the state of Hawaii has now done so. The concept can be adapted to serve a specific purpose or to handle certain types of complaints within a restricted field. There are Ombudsmen for all sorts of needs, occasions and situations, even in the commercial field. An advertisement that recently appeared in Los Angeles newspapers on behalf of a well-known department store had the word Ombudsman spread across three columns, with a picture of a department store representative in the corner greeting the readers with, "I'm your Ombudsman." Thus the concept is being accepted in our country and applied to a variety of situations (Sandler, 1966).

Perhaps one of the most appropriate and potentially beneficial applications of the Ombudsman principle could be made in the large state universities of our nation, where the student is confronted with bureaucracy, exclusion, impersonality, and size. The student often lacks necessary information as to who can help him when he feels he has been evaluated unfairly by faculty or staff when he encounters

discipline problems within the university or when he faces legal and ethical problems with his peers. The avenues of investigation and rectification of problems such as these are presently poorly marked or nonexistent. The establishment of a State University Ombudsman would bridge the chasm often existing between student, faculty, and administrators for the mutual benefit of all concerned. Within the academic community the Ombudsman would: (1) act as a source of information and assistance for all members of the academic community; (2) refer the student, staff or faculty member with a particular problem or question to the agency or office most apt to help him; (3) function as liaison person between students and faculty and administrative groups with enough flexibility to cut through the "red tape"; (4) investigate all aspects of problems reported to him or perceived by him that may exist between the various segments of the university; (5) have sufficient authority and position in the college to have complete access to the administration, faculty, and student groups so that problems could receive their proper hearings; and (6) make his decisions and active recommendations as a neutral third party to the appropriate sources.

The effectiveness and success of the State University Ombudsman in the role described would be dependent upon the method of his selection, his authority and relationships within the university, and on his accessibility to students and others in the academic community. Several alternatives, each having distinct advantages or disadvantages, could be considered.

One possibility is that the Ombudsman could be appointed by the President, as was done by President John S. Toll of the State University of New York at Stony Brook, who appointed three Ombudsman from the faculty to "serve as the President's special representative in investigating any suggestions or complaints that might be brought to his attention by members of the faculty, staff or student body of the University" (Toll, 1967).

Presidential power and backing should produce ample administrative efficiency--a decided advantage. In that case, however, the Ombudsman might be viewed with resentment and suspicion by students and faculty who would perceive of him as merely an arm of the administration.

Another alternative might be for the student body to appoint its own student Ombudsman. The student Ombudsman would be quite accessible to students and would be in a position to exercise considerable influence via the student newspaper. The disadvantage could be that he would be viewed as "just" a student or as a move to obtain "student power."

Thirdly, the faculty could appoint its own Ombudsman. Since cases would often involve faculty, the faculty Ombudsman would be more likely to obtain peer group understanding and support, but his effectiveness might be limited without administrative backing and the student might feel his position was exclusively faculty oriented.

It is possible that the Ombudsman could be a member of the staff of the Dean of Students, since traditionally this office has been actively involved with student problems, information, investigation, communication, and liaison. The difficulty here might involve lack of cooperation from the faculty or central administration.

Yet another alternative is that the Ombudsman might be appointed from the outside (off campus) and be responsible to a joint committee or board composed of an equal number of students and faculty with the President of the College as presid-

ing officer and the Dean of Students as executive secretary. The advantage would be greater neutrality and a better perspective, since the Ombudsman would not have a vested interest to influence his thinking. Negatively, the lack of proper orientation to the institution, its goals and relationships might prove to be detrimental to all concerned, and he might be viewed skeptically as an "outsider."

Finally, perhaps all segments of the institution could be involved in a total State University Ombudsman Program. The faculty and student body could recommend names of respected tenured professors for the approval of the President and the Board of Regents or Trustees. Once selected, the Ombudsman would work closely with the Dean of Students office, and the faculty member might have on his staff several well-known students who would aid him in his tasks. Thus much of the referral and liaison work, as well as some investigation, could be performed directly by these assistants to the Ombudsman. The students could be identified by schools or student subcultures within the institution and would be readily accessible to the student body. Perhaps they could receive a stipend for the service they would perform. The compensation for the Ombudsman himself might be obtained from both institutional and student funds.

Since each of our American state universities is unique, the duties and relationships of the Ombudsman would vary from campus to campus. In any institution, however, his primary purpose would be the same: to meet the obvious and pressing need for an agent, a representative, a defender of the individual within the system and the academic community.

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THE OMBUDSMAN IN GOVERNMENT: IMPLICATIONS  
FOR HIGHER EDUCATION

By Åke Sandler  
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It's an interesting phenomenon of American life--and an interesting comment on American pragmatism--that America is the first country in the world to have seen the usefulness of an office, first intended and used to curb governmental bureaucratic abuse, as one way United States could meet the educational crisis in higher education. To my knowledge America is not only the first, but the only country that has decided to "try out" the Ombudsman in a campus situation. In Sweden, where the Ombudsman first saw life 160 years ago, he has not yet been used to deal with college problems and campus complaints. It may mean either that Sweden has no real serious campus problems, as compared to the United States, or that it has not occurred to the Swedes or the other Scandinavians to use the Ombudsman in this manner. Be that as it may, the fact is that America seems sold on the idea of a CO (Campus Ombudsman), and that soon other colleges will develop such an office, or one like it; for the CO seems ideally suited to do this kind of work--to be the arbiter of conflicts, big and small, which have defied a solution by other means. But it is terribly important who he is and how his functions and duties are defined.

But before I get into this, let me first say a few words about the ordinary Ombudsman--the one some dozen governments have adopted so far. For I believe it's important to draw a distinction between this kind of Ombudsman and the one the colleges need.

The Ombudsman is more than one who merely listens to complaints. If that were all he did, he would do little more than politicians in this country who receive complaints from their constituents--and then file them away. The Ombudsman was originally conceived as one who would keep an eye on the bureaucracy and report to the king if any of his employees acted high-handedly against his subjects. The king--Charles XII--a noble and wise man (despite his young age, he died at 30)--was determined to keep his "servants" honest while he was away fighting Sweden's wars in distant lands. Charles died in 1718, so it happened a long time ago. But the idea took root, and eventually--in 1809--the Swedish Parliament made him a representative of the people--a tribune, like the tribunes of Roman days--and gave him the authority to investigate, to subpoena, to hold hearings, to make decisions, to prosecute and to expose. This was a formidable array of powers for one man, and the Swedish Parliament has ever since made damn sure that the man they picked was the right one. So, in a sense, this is the roughest problem of all when setting up an office of Ombudsman: to select the right man--or woman. In passing, I notice that it took Hawaii a year to find the right person to fill the first Ombudsman office in the United States. And I wish them luck!

But America does not seem to want an Ombudsman like the Swedes have. No President, Governor, Mayor, or College President would tolerate someone with that much power. For he might be their rival and be a threat to their own authority, as politics in the United States works, and considering the popular view of politics in this country.

Two years ago I conducted a survey of some 75 California cities, to determine the attitude on part of the mayors and city managers towards the idea of establishing an Ombudsman office in their city. The overwhelming majority was against the idea, as they understood it. (Quote comments.) Some of their reactions were based on a misconception of the real purpose of the office. But it was apparent that the Ombudsman idea, if adopted in this country, and in this state, must be modified to serve peculiar American interests.

Fortunately, the office is so flexible and so adaptable that it can be literally tailored to any specific purpose. The Ombudsman is a man for all seasons and all situations. Sweden has used the idea for a variety of purposes, though not yet, as I pointed out, in education. But business and labor and the professions in Sweden have their ombudsmen. And there is an Ombudsman to protect the interests of the soldiers. He is known as MO, for short. Not long ago a soldier was told to shave off his beard. He refused. And the MO upheld his right to his beard.

What we should consider now is how useful the Ombudsman is to the United States, and specifically, how useful to American higher education.

I don't know how many colleges and universities have a Campus Ombudsman, a CO, but I would not be surprised if the number is over 50. Considering how many have now a CO in California, that figure might be conservative. One third of the state colleges and most of the Universities of California have a CO. And all this has happened very rapidly. The idea has caught on with astonishing speed. But these CO's differ a good deal, as we shall see in the scope and authority of their functions. Some rely almost entirely on persuasion. One University of California campus, whose CO is a trained psychologist, told me that works without instructions, reports to no one, follows no specific guidelines, and deals with students, faculty and administration informally. His job, in other words, is completely unstructured. Now in his particular situation, one of the newer and smaller branches of the University, this approach might be the correct one. But he was apparently not equipped--or even intended--to deal with a Black Student Union group, which decided to make their demands on the University known via TV--and then sat back and waited for the result.

At my college the CO is a troika--a three-men committee of equals representing students, faculty and administration. It operates on the basis of a set of rules approved by the school's Academic Senate, which it follows rigorously. Each member of the committee serves as chairman for one month. During the year I served on the committee, all complaints were more less trivial. And I doubt that the committee, as composed and structured, could tackle problems of a really serious nature. But this is what the college wanted--at least for the time being. We have had only minor disturbances on our campus, although the college has the largest number of black students and Mexican-American students of any college in America. But there exists besides the Grievance Committee a student coordinator and a special counselor, who reports directly to the president of the college. Time has come, however, for us to determine whether we should not now establish a CO, similar to the one at San Diego State.

Its Ombudsman, Dr. Nelson F. Norman, has just issued a very timely, informative and generally delightful report on the life of an Ombudsman at San Diego State. I shall take the liberty of referring to some parts of this excellent report, and make some comments.

Dr. Norman notes that San Diego State "may be described as a healthy institution in terms of knowing it has problems and of being willing to face them." I would go along with this definition of a healthy college. At the same time, as Ombudsman Norman points out, they are doing something with their "problems", and this, as Aristotle said, is "good politics". Dr. Norman seems to have a fairly free hand. He has free access to his colleagues, college officials and all pertinent records. He makes it clear that his jurisdiction is pretty clearly defined, and there are some areas specifically outside his domain, such as personal and legal problems. Here he is probably echoing situations elsewhere. College Ombudsmen generally do not and, I feel, should not deal with purely personal problems, which may require the attention of a psychologist or psychiatrist, or get involved in problems of a legal nature, even if he should happen to possess a law degree. Dr. Norman lists eleven types of complaints that he has dealt with. Not surprisingly, the largest number of complaints involve student-faculty relations.

Other problems at San Diego include matters involving residency, administrative machinery, college regulations, and registration, to take a representative sampling. Professor Norman cites some "cases" and none could be classified as "serious" in a larger context. On the while, one gets the impression from this admirable report from San Diego that the Ombudsman at this college is doing not only what comes natural, but doing it well, and seems content with his lot.

Now if we shift our attention from this relatively tranquil academic setting, where both the locale and the students are "beautiful", to some of the real academic "hot spots" in the nation--places like San Francisco State, Berkley, Columbia, Harvard, and lately, Cornell and Princeton, we see a stark contrast to the situation as reflected in Professor Norman's report. I have received no reports from Ombudsmen at these institutions, but should there be any reports, I fear they would tell a very different story.

It seems almost incredible that these old, "learned" institutions should be subjected to this abuse by a handful of students who, even though their grievances might be legitimate, are acting in fascist-communist manner, totally disregarding democratic means, indeed, showing contempt for democracy itself, in seeking to impose their own demands by force. Ombudsman or no ombudsman, such grievances could not be remedied when the aggrieved have lost all faith in existing democratic procedures. The office of Ombudsman is, above all, a democratic office. It relies, it depends on the willingness to deal with issues rationally, that is, democratically. But organizations like SDS and BSU have no respect for available democratic procedures, nor are they interested in improving these procedures, as I know from personal experience.

The near-revolutionary situation on many campuses defies, at the present, a solution by rational means; and so an Ombudsman, no matter how astute, would be of no help. But I believe he might be able to play a preventive role. And I shall come back to it in a moment.

It has been said that today's youth are rebelling against Authority with a capital A. The French author Romain Gary, who lived in this country for a while, feels that "authority has become a dirty word. For young people everywhere," he says, "revolutionary and nonrevolutionary alike, from Moscow to Belgrade, from Prague to Paris, from Chicago to Montreal, authority is the number-one enemy."

Chancellor Roger Heyns at Berkeley, who has had more than his share of troubles, said in a speech at the Comstock Club in Sacramento not long ago that "I believe one of the most important functions universities have today is to show that democratic institutions can change to meet legitimate social needs. It is crucial to the future of our nation that our young people know that they can work within the system to make it more responsive."

Chancellor Young at UCLA has echoed the same sentiments, and college presidents, administrators and professors around the country have put it in the same perspective.

It is here, in this situation, that I think the CO can play a useful role as one who steps in before trouble develops--that he anticipates a bad situation and alerts those who will be affected what might happen. I'm not saying he should be some kind of intelligence agent for the Administration, but I'm saying that he should be so in tune with an emotional situation on campus that he can do something about defusing an explosive situation. For example: if he learns that black militants intend to seize a building if their demands are not met, he can offer himself as a go-between--as Professor Norman did in a troublesome situation at San Diego--and facilitate exchange.

Next, I'd like to raise some basic questions, some nine of them. Nine basic questions.

1. Should there be a CO for minorities--an MO, in other words?
2. Should there be an MO for each minority?
3. Should there be a special Ombudsman for foreign students? They, too, have their rights and interests.'
4. Are other special groups entitled to a representative who can fight for and protect their interests?
5. How about an SO--Student Ombudsman?
6. And what about faculty members? Are they entitled to an Ombudsman? The administrators? What about them?
7. Would it be preferable to start out on a modest scale, with an Ombudsman of qualified and limited authority, as in the case of San Diego State, Humboldt, Irvine, and most of the colleges to date, or with an authentic Ombudsman, patterned on the Swedish model, with real powers, and chosen from among the most prestigious judges, lawyers and academicians available.
8. Should the CO, whoever he is and whatever his function, be given a free hand to initiate grievance procedures as a result of his own findings or those of his staff?
9. Finally, what should be the minimum authority granted the Ombudsman in order not make him a mere public relations officer, of which there is always danger.

I believe a Campus Ombudsman should have, as an absolute minimum, the authority to investigate a complaint completely and, when the situation warrants

it, publicize his findings. He may not have to use the power of exposure more than a few times. After that, it would serve as a deterrent. As Alfred Bexelius, the veteran Swedish Ombudsman testified before a California assembly committee: there is nothing bureaucrats fear more than exposure. I have only to go to myself to know that if some of the things I've done in the past had been advertised publicly, I would have refrained from repeating them. I don't think a single professor can claim a perfect record. If he were put on notice, I think the situation would improve. I know from my own experience that professors can be frightfully abusive---and students are frequently at their mercy. But administrators can also be arbitrary and arrogant, and in the certain knowledge of being virtually immune, they may exercise their powers like small Hitlers. One such official comes to mind. He denied a student admission even though his professor and the department chairman had recommended admitting him on probation, and then the official remarked: "I wish you professors could get through your heads that when we (meaning "I") have said "No", it's no!" In other words, no appeal.

It is to "cure" this arrogant, abusive attitude the Ombudsman is needed.

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Let us now look at the problem in its large context. To begin with, the views of the role of the university (or college) differ fundamentally, even among the academicians. Henry Steele Commager, one of the nation's foremost historians, feels that the university is "sovereign" and not subject to any regulation whatsoever. All society need do is give it what it takes to run it, and to furnish students and scholars. The university, in the view of Commager, is immune from governmental or public interference. It must be left alone to do its job period. In other words, Professor Commagers believes in total academic freedom.

At the other extreme, we have--of all people--Herbert Marcuse, the much maligned scholar at the University of San Diego, who, at 70, has succeeded in infuriating the American Legion, the Daughters of the American Revolution, and the John Birch Society--in reverse order. But if you believe that Dr. Marcuse is a liberal, you are wrong. And if you believe Marcuse believes in and advocates academic freedom, you are twice wrong. This very distinguished scholar from Germany believes that both academic freedom and equal rights are not legitimate. . . that is, if they are granted to those whose views represent a "clear and present danger"--such as fascists. He is, in other words, intolerant of the Far Right, and would deny spokesmen for this point of view an opportunity to be heard.

Now, I submit that students caught between these two extremes will find it almost impossible to make up their minds where they stand, ideologically and logically. As a student in Sweden many years ago, I found myself in the same dilemma, and the only way out of it was common sense and good luck! But I feel the students today have a much more serious problem than I had 30 years ago. And they are, besides, much more determined to assert themselves while still young and not surrender to what they consider the corruption of society--including the university.

Both Commager and Marcuse, though far apart in their approaches, leave the students little alternative but to revolt. The one encourages them directly;

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everything goes. The other--Marcuse--insists that only one side, the "right" side, should be heard from, and the other side silenced. It is hard to say which approach is more harmful. But the result is about the same: violence is both encouraged and condoned, and no matter how much both of these gentlemen-scholars disavow any such intention, the record speaks for itself.

Students have rights, of course. We recently adopted a Bill of Rights for our students. And our Grievance Committee was an off-shoot of this. But how far may students go in order to secure their rights? How far may anybody go to defend his rights?

Dr. Walter Menninger of the famous Menninger Clinic apparently feels that violent reaction of minorities to their plight is no more violent than depriving them of food or education. From their point of view, such deprivation is a "violent" act, he feels. But does this entitle them to retaliate, to use force to obtain redress of grievances, and to satisfy their demands? Again, two wrongs don't make a right; but this is hard to teach and to convince those who are wronged.

When violence erupts on campus, it is usually because it is the last resort. But also because the academic institutions constitute the soft underbelly of the nation. They are easily assaulted and easily intimidated, and they tend to give in under pressure. A handful of determined young blacks (and/or whites) can seize a building and within hours make the Administration give in. Even when police is called, and violence ensues, college presidents, with a few notable exceptions, tend to throw in the towel. The spectre of police on campus, or students clubbed or arrested, is too much for these timid souls, who are accustomed to have their way with a few soft-spoken words. Young campus militants have demonstrated conclusively that it works to be tough.

No other institution is as vulnerable, and sometimes I wonder if organizations like SDS and BSU have not convinced themselves that the place to start, in their effort to shake the foundations of society, and overthrow the "Establishment", is the campus, one of the nerve centers of society?

Only the university can save itself. The government and the police can do only so much. And if the university is to save itself, it must, in the words of Chancellor Heyns, "show that democratic institutions can change to meet legitimate social needs. It is crucial to the future of our nation that our young people know that they can work within the system to make it more responsive." In his speech at the Comstock Club in Sacramento, he continued: "This task which is so vital to our future is not an easy one. It is different because the university itself, no less than other bureaucracies, is reluctant to change."

Having taught at half a dozen institutions during the past twenty years, I am aware that the academic institution, while liberal about change in society is conservative about and insensitive to change at home. Few bureaucracies are as resistant to change as the university. It is for this reason that the university for so long has opposed the adoption of ethnic studies programs and degrees--and still do. In other words, they have not been responsive to the needs of society, but behaved like they were a sovereign state within the state.

The reaction to this academic arrogance has been, first, violent student protests and demands, and, second, society's furor over the way the universities

have met these student protests and demands. Two fundamentally opposed assumptions have clashed. Or, possibly, three. On the one hand, the university's insistence on occupying a unique position among all the institutions of society, a position that would render it immune to probes and pressures from society because only under those circumstances would it be able to fulfill its duty to society and the world, namely free inquiry, the pursuit of truth and the unconditional accumulation of knowledge. As soon as society--the public--"butted in," for whatever reason, the institution itself was threatened. Hence all members of the academic community was granted what was called "academic freedom", which in effect gave the professor a life time tenure, and made him virtually irremovable. This in itself, was not so bad--until the academic institution began to show clear signs of feeling superior to the society which had created it. It demonstrated this in many ways. For example, by a the-public-be-damned attitude; by a censorious attitude towards other institutions, including government; and by a permissive attitude towards social forces which were obviously destructive of society itself of which, ironically, the university was a part. In other words, the attitude was in the end self-destructive.

On the other hand, society took the view that the university was just "another" institution, and should be treated as such. Indeed, that as a creature of society it enjoyed no special privileges and immunities, certainly none superior to those society itself possessed; and that, when it got out of line, it should receive no special treatment, but should "shape up" or else.

The result of this public attitude has been apparent. Most of the states have either introduced or is about to introduce legislation aimed at preventing campus disorders in the future. And much of this legislation is repressive and punitive. In this state, legislation has been introduced that would go far towards curbing campus violence, but which would create conditions so intolerable to the university itself that it would cease to function as a free and independent institution. Thus, we would have gone from one extreme to another; from a sovereign state within the state to a state-controlled and state-dominated institution. The public will would have been served, but what about the general interest?

I said there might be possibly a third assumption as to the role of the college. That assumption is held by the students. Not all of them, to be sure, but a sufficient number to make one pay attention. The assumption is that the university is for the students period.

I have seen a concrete example of that means. A student leader appeared before our Grievance Committee on campus and said in so many words: "I'm taking over." As chairman of the committee, I said somewhat surprised and, probably, stupidly: "Why?" "Because," said the student without a trace of humor or sense of the ridiculous, "this school belongs to us." And when I reminded him that there were others to consider, like teachers and administrators, he gave me a look of utmost contempt. And there is the public, too, I added, as an afterthought.

Well, this student is not an isolated case. Fortunately, they are still a small minority, but when a President of the United States can say, as Mr. Nixon said just the other day, that the students have a right to be heard but not to assume "control", we know it's gone far enough.

Personally, I know I tend to be permissive--in my classes and in my

relations with students generally. And I would say this is not uncommon. The psychology behind it has been, of course, that you are dealing with adults and not children; indeed, if you please, with equals. And if there was one thing I personally liked about the American university when I came to this country 30 years ago from Sweden, it was the stark, sharp contrast between its libertarian way of life and the authoritarian one I had left behind. It appealed to me immensely. It seemed free and unaffected and genuinely humane. It was not until I began teaching myself that I realized some of the drawbacks to this seemingly perfect system. One was the absence of discipline--genuine discipline. The other, a consequence of the former, was the lack of respect of students for their professors. When a student, after being in my class for three months, addressed me on campus, "Hey! Yes, you! When is our term paper due?" I realized something was missing. I think we're paying for this now. At least in part.

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Where should we start?

Probably at the highest level of government, with the President himself. He has already assumed some of the responsibility. This is a natural role for a President. Franklin Roosevelt called himself the people's first lobbyist. Maybe, today, the President should be the nation's first Ombudsman. Who would be in a better position to really keep an Argus eye on the federal bureaucracy? And when he discovers abuses, who could more effectively correct them? He would need help, of course, in all the states. But it would be money well spent. Eventually, merely knowing that his all-searching eyes were trained on them, would keep corrupt, inefficient, inept and arrogant bureaucrats in line. At least, that's the way it has worked out in Sweden--almost. But the President's role and responsibility would be limited strictly to the federal government. He could not obviously interfere directly in the life of a university and tell it what to do. But he could do what is now a proposal pending in with Secretary Finch, namely the creation of "Clearinghouse" for campus disorders. This might go a long way towards preventing or mitigating campus violence. But the essential work would have to be done by the college itself. And it is here, in a preventive role, that the Campus Ombudsman might perform his most useful function. For if he is the right person who does the job right, he could and would be in a position to stop trouble before it starts. Not every kind of trouble, of course. But, empowered with sufficient authority, prestige and confidence, he could intervene in the right places in a manner that might have made it unnecessary, for example, for Dr. Perkins at Cornell to have to concede after all violence was over--so graphically displayed in LIFE magazine--that the "dispute" should have been settled amicably. Be that as it may, the fact is that in a situation such as this, an Ombudsman could have been enormously helpful.

In conclusion, let me quote from a speech delivered before the Yale Political Union recently by Henry Ford II.

"We should count it as our great good fortune," Mr. Ford said, "that our present institutions--for all their grave deficiencies--are perhaps the most effective that any society has ever inherited. To give up on the best because it is not better is not the counsel of idealism. It is the counsel of despair." And he concluded: "It depends on this generation and what it does."

Maybe an Ombudsman would have been impossible in this country a generation ago. The interest in the office dates back only to 1960. And it was not until this year the first American state--Hawaii--appointed an Ombudsman, and not until 1966 the American colleges and universities became actively and acutely aware of the potentialities of this office, this service.

The Ombudsman on campus, whatever his specific function, and whatever group interests he represents, is in my view one of the most realistic and constructive answers to the clamor for new ways and methods to deal with old and seemingly unsolvable problems.

I think he is here to stay.

## THE OMBUDSMAN IN CURRENT STATUS AND THEORY\*

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Educational Guidance and Counseling

### I. The Problem: The Individual and Bureaucracy

Menotti's The Counsel described the plight of an ordinary man trying to escape a way ridden country. The secretary kept referring to him by number; she kept officially brushing his case aside. "America Hurrah," considered among the best in current theatre, has three playlets concerned with individual futility. In the one dealing with the impossibility of breaking through the employment bureaucracy, people are interchangeable to the employment official. Whim determines employment; people become beggars for job leads.

And every day I encounter students of all ages who cannot break through the university bureaucracy. Let me describe some illustrative cases which demonstrate the near impossibility of an individual getting into the system. (examples of cases) These cases lead me to conclude that one new course should be mandatory for every adults education. This new course would be entitled "How To Beat the Bureaucracy" or how to get around the secretaries, the assistants, the busy bureaucrats, the uninvolved instructors. How to build in "due process" for the members of the community, how to teach people to get into the system.

I have just completed two pieces of research: one a study of adult men 30 and over enrolled as undergraduates; the other a study of the commuter student. My horrifying conclusion is that we educators, the entire higher education bureaucracy, stimulate feelings of inadequacy rather than adequacy, and anger rather than intellectualism.

These cases fit into a pattern described so ably by James Coleman, the Sociologist, in a private paper. His analysis of the power imbalance between the individual and the bureaucracy follows:

"Modern society contains at many points a form of relation that is relatively new in the history of man. This is the relation between an individual and a large organization. Although such relations have existed for some time in history, it is only recently that the proliferation of large organizations, and the extension of man's relevant environment beyond the borders of his community or neighborhood, have made this relation commonplace. It arises in a man's employment by a large firm; in his purchasing from large producers or large retailers, in his dealing with large government. It arises in a student's relation to his college or university. And, what is to the point here, it arises first at the time of his choice of college and its choice and placement of him.

The principal problems that arise with this form of relation are due to the asymmetry in size between the individual and the organization, and the asymmetry

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in power that stems from the size disparity. Ordinarily the organization can mobilize far more resources to further its interests than can the individual to further his. It has enormous economies of scale, since it is involved in similar relations with many individuals. In employment, this power differential made possible the numerous methods of worker exploitation that were characteristic of the early part of this century. Since that time, the power imbalance has been redressed through the construction of countervailing organizations, labor unions. In consumption, an exploitation of gullible consumers by sophisticated marketing organizations has occurred through a similar discrepancy in size and thus resources. Unlike workers, consumers have had little success in developing organizations that can balance the power - centered research organizations to balance market research of firms, and organizations to assess the reliability of businesses, to balance the credit bureaus used by retail firms.

In the choice of a college by a student, and of students by a college, this asymmetry in size arises as in employment and consumption, and it has produced a similar discrepancy in power. The colleges have marshalled a number of resources to aid them in realizing their aims in selecting and placing students. Colleges have established admissions officers, college recruiters, placement officers and others to determine how best to carry out the admission and placement they desire. In addition, they have created organizations, most prominently the College Entrance Examination Board, to provide them with systematic and comparable information on applicants.<sup>1</sup>

The student of today and tomorrow, most often, will attend a large urban community college or state university. Newcomb writes: "Probably an outright majority of all students in American Colleges and Universities today are enrolled in institutions of more than 4,000 students. The educational advantages of the small, homogeneous community must nowadays be created in diverse ways in large heterogeneous institutions, and the required inventiveness is hardly beyond our capacities."<sup>2</sup>

This pattern can be graphically seen in the history of a Michigan Community College. A decade ago, 50 students attended this College, today over 10,000 attend, and by 1975, the projected enrollment is 38,000! Size of an institution can have, and does have devastating effects on the intellectual climate of the campus. Students young and old - and we all know that only about half our students in higher education fit into the traditional age pattern - feel unknown and unidentified in large institutions. As in a strange neighborhood in a large city, it seems likely that a student could drop dead or out and no one would know.

The current concern with students feeling lost in large complex institutions led me to develop an assignment for graduate students in the beginning Student Personnel course. Each graduate student chooses the kind of college student he's interested in studying. Then he goes onto a nearby state university or community college, finds actual students who seem to fit his chosen category and talks to them. He has two main questions: What are your major concerns, and is the college and/or personnel staff helping you in these areas? I found a surprising unanimity

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<sup>1</sup> Coleman, James. Unpublished private paper written for The Commission on Tests, College Entrance Examination Board, 1968.

<sup>2</sup> Newcomb, Theodore M. "Student Peer Group Influence and Intellectual Outcomes of College Experience" in Personality Factors on the College Campus, The Hogg Foundation, University of Texas, Austin, 1962, p. 69.

of response. All the students interviewed -- whether they were women reentering the labor market, adult males-in-transition, freshmen, or hippies -- felt estranged from the college and wished they were more "a part of things", though they did not have time for what is called "silly, frilly, activities." They felt buffeted about by secretaries, registrars, and other officials. The older part time student as well as his younger counterpart has many needs but in no paper (and I've had about 80 submitted) has an interviewer found one student who felt he was helped by the personnel department. The second part of the assignment included interviewing the student personnel staff. In every case, the staff members felt they were reaching and helping students. At first, this discrepancy led to the conclusion that personnel workers are really "rat finks." However, this was a too-pat answer. Rather the seeming discrepancy can be explained if size is seen as a significant variable. The student personnel staff does help those who seek help and those who fall within its orbit. But there are literally too many thousands of students, many of whom are part time and peripheral.

As students tangle with large bureaucracies, there will be instances of red tape, mishandling, denying students their proper or felt rights. The mere operation of large bureaucracies often is detrimental to the individual. It seems that the isolation of the individual from decision making and power are too complete. The problem therefore is twofold: 1) to protect the rights and personality of the person in this asymmetrical situation, and 2) to modify the system in order to shift it to a more symmetrical situation.

## II. An Ombudsman For Students

One possible way to solve some of the urban campus problems is by initiating an ombudsman role on the campus. A campus ombudsman would be a status person - possibly a legal philosopher - attached to the office of the president. Members of the campus community who had complaints of any kind could come to him. He would investigate the complaints and if the institution were wrong, make recommendations for redress. If he saw bottlenecks in the system, he would recommend modifications in the system. And as we all know we have a model for this in the Swedish word and concept Ombudsman. This "word of the year" literally translated, means one who represents someone. The connotation is of a "guardian of the peoples rights; a public investigator, watchman, man who fights city hall." And, as of now, at least two states and ten universities with drawing plans on the board of many other campuses are experimenting with this concept. The need for such an office was stated in a recent editorial entitled "Fighting City Hall":

We can think of no more needed reform than the institution of a program designed to protect ordinary people in our complicated society from government power. Sometimes the citizen is badly treated; other times he is ignored. Too often, he is snarled in the reddest of tape. There is no doubt that citizens are buffeted about in modern day America and that essential government services seem, at times, to be beyond attainment for ordinary people.<sup>3</sup>

To quote another proponent, "The ombudsman is, in sum, a powerful and versatile inspector - general - but an agent of the people and not of the establishment!"<sup>4</sup>

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<sup>3</sup>Schlossberg, Stephen I. "Fighting City Hall," Guest Editorial, Free Press, 1966.

<sup>4</sup>Goldfarb, Ronald, "Declaring a War on Injustice," The New Republic, January 16, 1965, p. 16.

Donald Rowat's chapter "The Spread of The Ombudsman Idea" dramatically illustrates the recency of this concept. Although first initiated in Sweden in 1809, by 1955 only three countries - Sweden, Finland and Denmark - had such a system.<sup>5</sup> Since then the ombudsman or a reasonable facsimile has been adopted in twelve countries with discussion and plans in many more. By the same token, three years ago no university had such a person or office. Today at least ten have an active ombudsman and many other institutions have it on the drawing board. In addition, similar kinds of complaint channels have developed in newspaper columns like Action Line; organizations like Underdog, now defunct because of a bad publicity stunt by its director, Mayor Wagner's Box 100, N.Y.C., Philadelphia's Watchdog Committee, etc.<sup>6</sup> The popularity of this notion can further be attested to by looking at the increase in publications on the subject. This year two excellent and comprehensive sources have been published: the report by the American Assembly of their 1967 Arden House conference, "Ombudsman For American Government?"<sup>8</sup> and the May 1968 issue of The Annals of the American Academy of Political and Social Science.<sup>9</sup>

In addition to this present conference, Wayne State University in collaboration with The American Assembly had a major conference on the ombudsman in October 1968.

The question has been raised - why did it take so long - actually from 1809 to 1955 for such a concept to spread and once it caught it's going like wildfire. I think one of the reasons that the ombudsman will develop in hundreds of colleges is the hope of administrators that this panacea might quiet the rebellious students. Actually, the militant students would not be satisfied with this solution. But if ombudsman is seen as one way to give the individual, be he staff, faculty or student, a voice when he is mishandled then we begin to see a possible breakthrough in the asymmetry of individual to bureaucracy. The office of ombudsman - if it becomes part of all higher education - can become the vehicle for individuals to be heard and the catalyst for changing the system peacefully.

A strange thing is happening as the concept ombudsman "catches on". Before it is translated to education, it is becoming bastardized. Suggestions range from a separate ombudsman for each group - student, faculty, administration - to a committee-type ombudsman to a combination ombudsman-administrator. Any of these suggestions are feasible; maybe valuable. The point here is -- before we make up a scheme and give it the name ombudsman and hope all will be well, let's try to examine some issues, study the existing models and develop an educational ombudsman which is fairly true to the original model. If we don't want to be so literal, then dream up any scheme but call it something else. This point has been labeled by Rowat as that of "misapplication of the term.. to describe any new complaint - handling or appeal machinery."<sup>10</sup> He says,

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<sup>5</sup>Rowat, Donald C. "The Spread of the Ombudsman Idea," Anderson, Stanley, ed., The American Assembly Ombudsman For American Government, Prentice-Hall Inc., Englewood Cliffs, N.J., 1968 p. 7.

Ibid., p. 33.

<sup>7</sup>Angus, William H. and Kaplan, Milton, "The Ombudsman and Local Government" in Anderson, Op. cit., pp. 101-103.

Anderson, Op. cit.

<sup>9</sup>The Annals of The American Academy of Political & Social Science, "The Ombudsman or Citizen's Defender: A Modern Institution, May 1968.

<sup>10</sup>Rowat, Op. cit., p. 35.

"Unfortunately, this usage is likely to confuse the public and cause them to loose sight of the important point that the ombudsman in other countries is an independent officer of the legislature....writers who refer to other kinds of grievance officers should be careful to use an appropriate qualifying work - executive ombudsman, university ombudsman, newspaper ombudsman, etc....otherwise, confusion is likely to prevail and many American ombudsmen will end up in the vest pockets of chief executives."<sup>11</sup>

### III. Some Issues

One president of a college writes that although he had just established an ombudsman on his campus he felt "it should be used only as an exceptional procedure when the normal channels do not respond adequately." I am in complete disagreement with this view. First, it places the onus on a few people or a few institutions; that is, communications are closed here but not there. The onus as I see it is inevitable to the bureaucratization of higher education. Unless we see it this way -- as a systemic problem -- the establishment of an ombudsman can even become a whim of a president and the focus of bitter disagreement.

The point I am trying to make is that through a functional analysis of the higher education bureaucracy we see that the individual is in a powerless position on every campus. This argument thus far is crucial to my understanding and discussion of ombudsman. What is needed is a systemic change; that is, a new agent in the educational bureaucracy to "give humanism the edge over bureaucracy,"<sup>12</sup> to give power and weight to the individual, to redress the asymmetrical balance between person and institution.

The labor movement though not analogous to the student movement is reminiscent of it in certain ways. The individual worker was powerless at one time. The Union movement gave individuals a sense of dignity and independence. Among the many things students are asking for today is a voice in their own destiny. An ombudsman on every campus can be one avenue to help students in their quest.

My first point then is that if instituting this office is a possible solution to the bureaucratic problems in higher education, then it should be considered a solution for all not just selected institutions.

The original Swedish model has of course been greatly modified. One modification in Denmark and Norway restricts the ombudsman from inspecting or auditing "administrative transactions. As a result, they initiate very few cases on their own. In Sweden, on the other hand, a large proportion of the more serious cases arise in this."<sup>13</sup>

This is of course a crucial issue to be resolved. Can the ombudsman initiate complaints, uncover problems, stimulate change or is he to be more passive and rely on which cases come his way? My bias is in favor of what I understand to be the San Jose State Model of a college ombudsman who reaches out and initiates.

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<sup>11</sup> Ibid.

<sup>12</sup> New York Times, Dec. 10, 1967, article

<sup>13</sup> Rowat, Op. cit., pp. 16-17.

A related delima is that of power. To quote again from Rowat's article, "in the newer plans the ombudsman was not given the power to prosecute officials...he may still order or recommend a prosecution."<sup>14</sup> Most of the informal writings on university ombudsmen emphasize the fact that he has the power to "negotiate direct inquiry, mediate, recommend," but not institute. One author describes the possible ineffectiveness of the ombudsman in establishing administrative reforms due to his lack of power to do so.<sup>15</sup> Yet, I am certain that the model which universities will follow will be similar to the Norway-Denmark rather than Swedish plan. And that is, that power will reside in the ability of the ombudsman to persuade but not to actually institute. In order to rely on persuasion, then, publicity concerning the results of cases or white papers by the ombudsman on central issues and factors needing reform becomes central to the plan. Furthermore, the power to persuade is dependent on selection of the ombudsman. Should this be up to the faculty, students, president? In my view, the university ombudsman must be above reproach, must devote his full energy to the task at hand, must earn one of the largest salaries on the campus. The method of selection of course is crucial and before I could make a definitive recommendation, I think this should be debated between students, faculty, and administrators.

Discussion of ombudsman selection might well be the focus for a conference with the results being spread to universities across the country. The importance of this needs no underscoring in an age of student protest. If this office is to be powerful then a method of selection must be devised which would be beyond reproach. The goal of selection is to obtain the services of an "impartial person" someone who can hear and see the students, someone who can understand the administrator. We have models for this in the field of labor-management where it is possible to have arbitrators, and/or mediators or umpires who are respected by both labor and management. It is possible that at this mythical conference on "Development of a Method to Select University Ombudsmen" representatives from labor-management relations be present. In discussing the importance of selection, William Gwyn points to the dangers of using popular election for this could get into the area of "partisan politics". He also points out that "it would seem inappropriate for the ombudsman to be chosen by the bureaucracy itself."<sup>16</sup>

Robert Merton in his Social Theory and Social Structure discusses the relationship of the intellectual to bureaucracy. He differentiates between the "unattached intellectual" and the "bureaucratic intellectual."<sup>17</sup> Usually the bureaucratic intellectual works within predefined policy. His findings are used to keep the system intact. The unattached intellectual might suggest sweeping policy changes; however, he has no power to influence change.

The ombudsman is, in a certain sense, an attempt to bureaucratize innovation. That is, to give "an intellectual" the right and power to recommend and implement changes in the bureaucratic handling of situations. His actual power rests on his ability to negotiate, persuade and inquire. Unless this "bureaucratic intellectual" is of such stature and conforms to the successful Swedish model he might just become an agent of the president.

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<sup>14</sup> Rowat, Op. cit.

<sup>15</sup> Gwyn, William B. "Transferring The Ombudsman" in Anderson, Stanley V., Op. cit., p. 44.

<sup>16</sup> Ibid., p. 46.

<sup>17</sup> Merton, Robert, Social Theory and Social Structure, p. 217.

With all of the dangers, pitfalls, possibilities inherent in the discussion of transplanting the ombudsman to the university we who are advocates of this must beware of Stanley Anderson's warning, "among the ombudsman's worst enemies are some of his best friends: those who expect too much of him."<sup>18</sup>

With all this discussion of change and innovation, it might be well to end with the words of Eric Hoffer, a farm-worker-longshoreman turned writer:

"It is my impression that no one really likes the new. We are afraid of it...Even in slight things the experience of the new is rarely without some stirring of foreboding...Back in 1936 I spent a good part of the year picking peas...Then I shifted all the way to Lake County, where for the first time I was going to pick string beans and I still remember how hesitant I was that first morning as I was about to address myself to the string bean vines. Would I be able to pick string beans? Even the change from peas to string beans had in it elements of fear. In the case of drastic change the uneasiness is of course deeper and more lasting...We have to adjust ourselves, and every radical adjustment is a crisis in self-esteem."<sup>19</sup>

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<sup>18</sup> Anderson, Stanley V. "Proposals and Politics" in Stanley Anderson, Op. cit., p. 155.

<sup>19</sup> Hoffer, Eric, The Ordeal of Change, Harper Colophon Books, Harper and Row, New York, 1952, p. 1.

## "THE OMBUDSMAN IN PRACTICE"

by

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On a rainy spring morning a Black student was walking down the hall of a classroom building at San Jose State College. According to his account of the story a faculty member, a department head, came up behind him, knocked off his hat and said, "We don't wear our hat in here." The student was infuriated, feeling he had been insulted. The entire Black community on our campus felt that there were racial overtones in the incident.

An hour after the incident the Ombudsman was notified. He was asked to attend a meeting with the student, the Academic Vice President and the Dean of the School. The student filed an official complaint about the incident. The college complaint was directed to a committee of the Academic Council. The student also wanted to file a complaint with the civil authorities over the incident. He asked the Ombudsman's counsel.

After having determined that there was some substance to the student's story the Ombudsman inquired of the District Attorney on behalf of the student to determine if he had grounds to file a charge of battery. The District Attorney indicated that what was described was a simple battery. The Ombudsman arranged an appointment between the District Attorney and the student. The student returned later to report the District Attorney agreed that there was indeed a battery but that he (the District Attorney) would not charge the faculty member as he was certain he could not get a conviction. The student felt that the District Attorney had no right to not allow him to file a charge, even if there were no conviction. The Ombudsman contacted the City Human Relations Commission to determine if the District Attorney had indeed assumed some of the prerogatives of the student. After consulting their attorney the City Human Relations Commission determined that the District Attorney had not exceeded his authority but the student could file a civil suit for damages. We supplied a list of attorneys who would work for cost.

The Ombudsman in the meantime had continued to discuss the case with both the student and faculty member involved. The faculty member defended his actions on the basis he had accosted students in his department this way for years to "teach them courtesy." He acknowledged his actions were wrong and the policy no longer appropriate. He agreed to offer a public apology as well as make an official change in department policy so that the incident would not recur. The investigation did not uncover racial overtones in the incident. The student indicated that if all details of the incident would be publicized he would accept these conditions as a resolution of the problem.

This incident was only one of many the Ombudsman at San Jose State College dealt with during the past school year. The office was created on our campus as a response to a series of demonstrations by our Black community in protest to discrimination experienced on and around our campus by their community. A series of hearings held during the week of the demonstrations determined there was much substance to their charges and in creating the office our President, Robert D. Clark, said the Ombudsman was to "search out and facilitate the removal of discrimination on the basis of race, creed, or national origin in whatever areas of the College or the College community it may occur." Our office chose the Danish Ombudsman as its model and followed the guidelines of that model to direct its operation. Although the major work of the

office was with the problems of our ethnic minorities it soon became apparent the job could not limit itself to that area. Its very presence brought many others with unresolved problems for which they simply had no place else to go. The frustrations of what many considered unjust treatment of legitimate complaints were increasingly directed to the Ombudsman by students on their own initiative or by others in the College who simply didn't know what else to do with them. By the end of the year it was determined that that office would be officially expanded in scope to deal with a whole range of problems, both curricular and co-curricular for the entire campus community.

The scope and limitations of the Ombudsman were outlined in his job description.

1. The Ombudsman's primary sources of power shall be inquiry, negotiation and persuasion.
2. In the event of impasse, the Ombudsman shall call upon the President for executive action.

The Ombudsman had no authority to change decisions on his own, only to recommend. In functioning, he sought to determine the facts of the case. If he determined in his investigation that an injustice had been done, he was free to recommend a remedy. In all of our cases this past year these recommendations were accepted, but this certainly will not always be the case. The Ombudsman is not a god and he will not always be correct or totally objective.

His job, on our campus, has been to determine the facts and try to assure justice for the individual. As in the case of his Scandinavian predecessor, he does not have to wait until a complaint is brought to act. He has the freedom to investigate on his own initiative. This became an important function for the Ombudsman at San Jose State. By the very nature of the events which created the office there was much to be looked into on our campus.

The Ombudsman, for instance, sought to determine if the current policies and practices of the service areas on the campus, such things as housing, placement, etc. were in any way not protecting all the persons they served. It was determined that among other things the Placement Center had not updated its non-discrimination policies in several years. The Ombudsman worked very closely with this office in updating these policies, a move which won the instant approval of the minority communities. Policies concerning advertising in on-campus publications as well as more aggressive enforcement of adequate housing policies were brought about by these same investigations.

The Ombudsman functioned as well to bring relief to persons who were victims of rules applied under the letter of the law but nevertheless might unjustly punish someone because of their particular circumstances. In these cases his office could consider the particular circumstances and if the conditions warrant he was free to recommend a remedy for reconsideration. A case in point concerned a student who had transferred to our college. In his previous school he had taken a psychology course he thought would satisfy the general education requirements. However, it was not approved as such at our college. The catalog of both his previous college and our own catalog indicated that the course he was made to take at our college were not the same. He had been through the appeal procedure set up for such cases and they had ruled against his request. It was in the discretion of the Department Chairman to allow the substitution but he had not chosen to do so. In his investigation the Ombudsman had discovered extenuating circumstances which had not been considered in the original appeal procedure. He brought these to the attention of the Department Chairman who thought they were sufficient to make an exception to the rules and grant him credit for the original course. In this case no rules had been misapplied but the student still suffered. He achieved some relief through the Ombudsman.

In the limited time available one can only skim the implications of this new office in higher education. We have, out of our experience of this office in its first year, made some tentative conclusions we feel have validity as a basis for continuing the Ombudsman at San Jose State College. They are:

1. The Ombudsman can restore a sense of accessibility to the student.
2. The Ombudsman can furnish alternative channels to the confrontations taking place on our campus. (Not for all confrontations, but at least for a portion)
3. The Ombudsman can help form Administrative decisions.
4. The Ombudsman can offer a place for the student who feels he is not being heard to go.
5. The Ombudsman can give some hope that real concerns would not be lost in the shuffle of events, and the student could well feel his concerns were better handled through such a process.
6. The Ombudsman could have the confidence of the student that he is not there to defend the "status-quo".
7. The Ombudsman can, in handling individual complaints, help bring about equality for all in the college community.
8. The Ombudsman can help overcome the tendency on the part of Administration to deal with complaints by tending to re-inforce current procedures and condone employee action rather than meeting the problems causing the grievances.
9. The university community itself must learn to listen to grievances and attempt to remedy them. The Ombudsman can help in this process.

There is one caution I must add out of our experience. The office of Ombudsman will only be effective when it is trusted by those who it was created to serve and they are willing to use it. At San Jose State we found that our Black community was willing to trust and use the office a great deal more than our Mexican-American community. The Ombudsman was able to function for them much more effectively as a result. It is a fact of life that the office will not enjoy the equal trust of all for many reasons, so no matter how good the idea, the intentions, or the personnel, there must also be trust from the people it serves for it to serve at all.

The Ombudsman is no substitute for academic reform, for better administration, or for constant re-evaluation, but it does compliment these important functions of a growing institution. As Stanley Anderson has observed, "Among the Ombudsman's worse enemies are his best friends: those who expect too much of him." But, if one can accept the limitations of the office, the job of protecting individual human rights, as an important and proper function of an office in higher education, then the office can and does function effectively.

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